Superior Court
Benton and Franklin Counties

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Local Administrative Rule 2
Administrative Presiding Judge and Assistant Administrative Presiding Judge

(a) Election, Term, Vacancies, and Removal.

(1) Election. The administrative presiding judge and assistant administrative presiding judge shall be elected by a majority vote of the judges. Said elections shall occur at the December judge's meeting in odd numbered years.

(2) Term. The administrative presiding judge and assistant administrative presiding judge shall each serve for a term of two years. The terms of the presiding judge and assistant presiding judge first elected pursuant to this rule shall expire on December 31, 2003.

(3) Vacancies.

(A) Administrative Presiding Judge. In the event of a vacancy in the office of the administrative presiding judge prior to the completion of the two-year term of the administrative presiding judge, the assistant administrative presiding judge shall serve as administrative presiding judge for the remainder of the un-expired term.

(B) Assistant Administrative Presiding Judge. In the event of a vacancy in the office of the assistant administrative presiding judge prior to the completion of the two year term of the assistant administrative presiding judge, a new assistant administrative presiding judge shall be elected pursuant to subsection (1) above at the next regularly scheduled judge's meeting. The newly elected assistant administrative presiding judge shall serve for the remainder of the un-expired term.

(4) Removal. The administrative presiding judge and assistant administrative presiding judge may be removed by a majority vote of the judges after noting the issue on the agenda for the next regularly scheduled judge's meeting.

(5) Executive Committee. The Judges of the Superior Court, sitting as a whole as an executive committee, shall advise and assist the administrative presiding judge in the administration of the court.

(6) Liaison Judges. Individual judges may be assigned responsibility for certain management areas and court functions. The responsibility of the assigned judge is to act as a liaison between the court and others concerned about matters that fall within the management area or court function. The assigned judge shall keep the administrative presiding judge and executive committee informed about the management area or court function and shall make such reports as are necessary to the executive committee at the regularly scheduled judges meetings. The court administrator shall maintain the list of the liaison assignments that shall be available, upon request, to the public.

(7) Court Administrator. The court administrator shall, under the direction of the executive committee, supervise the administration of the court.

[Adopted effective April 9, 2002]

Local Civil Rule 4
CIVIL CASE SCHEDULE

(a) Case schedule. Except as otherwise provided in these rules or ordered by the Court, when an initial pleading is filed and a new case file is opened, the Court Administrator or Superior Court Clerk will prepare and file a scheduling order (referred to in these rules as a "Case Schedule") and will provide one copy to the party filing the initial pleading.

(b) Effective Date. This rule shall apply to all cases filed on or after January 1, 2001 except as provided below.

(c) Cases Not Governed by a Case Schedule. Unless otherwise ordered by the Court, the following cases will not be issued a Case Schedule on filing:

(1) Change of name;
(2) Proceedings under RCW title 26.
(3) Paternity
(4) Harassment (RCW chapter 10.14);
(5) Proceedings under RCW title 13;
(6) Unlawful detainer;
(7) Foreign judgment;
(8) Abstract or transcript of judgment;
(9) Petition for Writ of Habeas Corpus, Mandamus, Restitution, or Review, or any other Writ;
(10) Civil commitment;
(11) Proceedings under RCW chapter 10.77;
(12) Proceedings under RCW chapter 70.96A;
(13) Proceedings for isolation and quarantine;
(14) Injunction;
(15) Guardianship;
(16) Probate;
(17) Proceedings under RCW chapter 36.70C;
(18) Tax Warrants;
(19) Lower Court Appeals;
(20) Administrative Law Reviews;
(21) Appeals of Department of Licensing Driver's License Revocations; and
(22) Emancipation of Minor.

(d) Service of Case Schedule on Other Parties.

(1) The party filing the initial pleading shall promptly provide a copy of the Case Schedule to all other parties by (a) serving a copy of the Case Schedule on the other parties along with the initial pleading, or (b) serving the Case Schedule on the other parties within 10 days after the later filing of the initial pleading or service of any response to the initial pleading, whether that response is a notice of appearance, an answer, or a CR 12 motion.

(2) A party who joins an additional party in an action shall serve the additional party with the current Case Schedule together with the first pleading served on the additional party.

(e) Amendment of Case Schedule. The Court, either on motion of a party or on its own initiative, may modify the Case Schedule for good cause. The Court shall freely grant a motion to amend the case schedule when justice so requires. The motion shall include a proposed Amended Case Schedule. If a Case Schedule is modified on the Court's own motion, the Court Administrator will prepare and file the Amended Case Schedule and promptly mail it to all parties. Parties may not amend a Case Schedule by stipulation without approval of the Court.

(f) Form of Case Schedule.

(1) Case Schedule. A Case Schedule for each type of case,

which will set the time period between filing and trial and the scheduled events and deadlines for that type of case, will be established by the Court by General Order, based upon relevant factors, including statutory priorities, resources available to the Court, case filings, and the interests of justice.

(2) Form. A Case Schedule will be in generally the following form:

SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR BENTON AND FRANKLIN COUNTIES

Plaintiff(s)	) Case No.
V.	) CIVIL CASE SCHEDULE ORDER (ORSCS)
Defendant(s)	)

I. SCHEDULE

	DUE DATE
1. Confirmation of Service	2 Months
2. Cancellation / Confirmation of Status Conference	3 Months
3. Last Date for Filing Motions to Change Trial Date	4 Months
4. Status Conference (if needed)	4 Months
5. Plaintiff's Disclosure of Lay and Expert Witnesses	5 Months
6. Defendant's Disclosure of Lay and Expert Witnesses	7 Months
7. Disclosure of Plaintiff's Rebuttal Witnesses	7½ Months
8. Disclosure of Defendant's Rebuttal Witnesses	8 Months
9. Discovery Completed	8½ Months
10. Last Date for Filing Statement of Arbitrability	9½ Months
11. Last Date for Filing Jury Demand	10 Months
12. Settlement Position Statements filed by all parties	10 Months
13. Last Date for Hearing Dispositive Pretrial Motions	10 Months
14. Settlement Conference	10 ½ Months
15. Last Date for Filing and Serving Trial Management Report	11 Months
16. Pretrial Management Conference	11 Months
17. Trial Memoranda, Motions In Limine, Jury Instructions to be filed ...	2 Weeks to Trial
18. Trial Date and Motions in Limine	12 Months

II. ORDER

IT IS ORDERED that all parties comply with the foregoing schedule.

DATED this _____ day of _____, _____

_____
Judge

NOTICE TO PLAINTIFF:
The plaintiff may serve a copy of the Case Schedule Order on the defendant(s) along with the summons and complaint. Otherwise, the plaintiff shall serve the Case Schedule Order on the defendant(s) within ten (10) days after the latter of: (1) the filing of the summons and complaint or (2) service of the defendant's first response to the complaint, whether that response is a Notice of Appearance, an Answer, or a CR 12 Motion.

(g) Monitoring. At such times as the Presiding Judge may direct, the Court Administrator will monitor cases to determine compliance with these rules.

(h) Enforcement; Sanctions; Dismissal; Terms.

(1) Disclosure of Possible Lay and Expert Witnesses.

(A) Disclosure of Primary Witnesses. Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses

at trial.

(B) Disclosure of Rebuttal Witnesses. Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons whose knowledge did not appear relevant until the primary witnesses were disclosed and whom the party reserves the option to call as witnesses at trial.

(C) Scope of disclosure. Disclosure of witnesses under this rule shall included the following information:

i. All witnesses. Name, address, and phone number.

ii. Lay witnesses. A brief description of the anticipated subject matter of the witness' testimony.

iii. Experts. A summary of the expert's opinions and the basis therefor and a brief description of the expert's qualifications.

(D) Exclusion of Testimony. Any person not disclosed in compliance with this rule may not be called to testify at trial, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.

(E) Discovery Not Limited. This rule does not modify a party's responsibility under court rules to seasonably supplement responses to discovery or otherwise to comply with discovery before the deadlines set by this rule.

(2) If the Court finds that an attorney or party has failed to comply with the Case Schedule and has no reasonable excuse, the Court may order the attorney or party to pay monetary sanctions to the Court, or terms to any other party who has incurred expense as a result of the failure to comply, or both; in addition, the Court may impose such other sanctions as justice requires.

(3) As used with respect to the Case Schedule, "terms" means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply; the term "monetary sanctions" means a financial penalty payable to the Court; the term "other sanctions" includes but is not limited to the exclusion of evidence.

[Adopted Effective September 1, 2000; Amended September 1, 2001, September 1, 2003, September 1, 2004, September 1, 2005, September 1, 2006, September 1, 2007]

Local Rule 4.1
CONFIRMATION OF SERVICE

(a) Scope. This rule shall apply to all cases governed by a Case Schedule pursuant to

LR 4.

(b) Generally. No later than the date designated in the Case Schedule, the plaintiff or petitioner shall file a paper called "Confirmation of Service".

(c) Form. The Confirmation of Service shall be in substantially the following form:

SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR BENTON AND FRANKLIN COUNTIES

Plaintiff(s)	) Case No.
V.	) CONFIRMATION OF SERVICE
Defendant(s)	)

Check one of the following:

All the named defendants or respondents have been served or have waived service.

One or more named defendants or respondents have not yet been served,; and

The following defendants or respondents have been served or have waived service:

_____

The following defendants or respondents have not yet been served:

_____

Reasons why service has not been obtained:

_____

How service will be obtained:

_____

Date by which service is expected to be obtained:

_____

No other named defendants or respondents remain to be served.

_____ _____
Date Attorney or Party

_____
WSBA Number

(d) Service by Publication. If a defendant or respondent is being served by publication, the defendant or respondent shall be deemed "served", within the meaning of this rule only, when all arrangements have been made for publication, except for the publication itself.

[Adopted Effective September 1, 2000]

Local Civil Rule 4.2
CANCELLATION OR CONFIRMATION OF STATUS CONFERENCE

(a) Scope. This rule shall apply to all cases governed by a Case Schedule pursuant to

LR 4.

(b) Cancellation or Confirmation of Status Conference; Form. If all parties do not sign the Cancellation or Confirmation of Status Conference form or give telephonic authority for signature on the form, a status conference shall be held. The plaintiff shall, after conferring with all other parties, file, serve, and provide to the Court Administrator's Office, a form entitled "Cancellation or Confirmation;" which will be in substantially the following form:

SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR BENTON AND FRANKLIN COUNTIES

Plaintiff(s)	)	Case No.
V.	)	CANCELLATION/CONFIRMATION
	)	OF STATUS CONFERENCE
Defendant(s)	)	

I. CANCELLATION

The parties make the following joint representations and

hereby cancel the scheduled Status Conference:

1. No additional parties will be joined.
2. All parties have been served or have waived service.
3. All mandatory pleadings have been filed.
4. No additional claims or defenses will be raised
5. The parties do not anticipate any problems in meeting the deadlines for disclosing possible witnesses and other subsequent deadlines established in the Case Schedule.
6. All parties have cooperated in completing this report.

II. CONFIRMATION

The parties are unable to make the foregoing joint representation and require a status conference, as explained below:

IF THE ABOVE BOX IS CHECKED, THERE WILL BE A TELEPHONIC STATUS CONFERENCE, AS NOTED IN THE CASE SCHEDULE, AT WHICH ALL PARTIES OR THEIR ATTORNEYS MUST APPEAR.

An additional party will be joined.

A party remains to be served.

An additional claim or defense will be raised.

One or more parties anticipate a problem in meeting the deadlines for disclosing possible witnesses or other subsequent deadlines established in the Case Schedule.

A party has refused to cooperate in drafting this report.

Other explanation:

In order to obtain the Court's direction in the matters described above, the parties will appear at an initial telephonic conference, the date of which, as stated in the Case Schedule, is:

PLAINTIFF or PLAINTIFF'S ATTORNEY

DATED: _____ SIGNED: _____

Typed Name: _____ WSBA #:_____
Address: _____
Phone: _____
Attorney(s) _____
for: _____

DEFENDANT or DEFENDANT'S ATTORNEY

DATED: _____ SIGNED: _____

Typed Name: _____ WSBA #:_____
Address: _____
Phone: _____
Attorney(s) _____
for: _____

(c) Parties to Confer in Completing Form. The plaintiff shall confer with all other parties in completing the form. If any party fails to cooperate in completing the form, any other party may file and serve the form and note the refusal to cooperate.

(d) Status Conference. Unless the Cancellation of Status Conference is timely filed and demonstrates that a status conference is not needed, all parties must, on the date designated by the Court in the Case Schedule, participate in a telephonic status conference with a Judge, Commissioner or Special Master designated by the Court Administrator. See LR 4.2.

(e) Additional Parties, Claims, and Defenses. No additional

parties may be joined, and no additional claims or defenses may be raised, after the date designated in the Case Schedule for Status Conference, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.

(f) Cases Subject to Mandatory Arbitration. If a statement of arbitrability pursuant to LMAR 2.1 is filed, the case will then be governed by LMARs unless and until there is a request for a trial de novo or the case is otherwise removed from the Mandatory Arbitration Calendar pursuant to LMAR 7.1

[Adopted Effective September 1, 2000; Amended Effective September 1, 2001]

Local Civil Rule 4.3
STATUS CONFERENCE; NONCOMPLIANCE HEARING

(a) Scope. This rule shall apply to all cases governed by a Case Schedule pursuant to LR 4.

(b) Non-Compliance Hearing. If a party fails to appear for a required Status Conference as set by the Case Schedule, the Court may issue an order to show cause establishing a non-compliance hearing to be held before the Judge, Commissioner or Special Master. At that conference the Court may order the Case Schedule to be met by specific dates, continue the hearing, dismiss the case, impose terms or sanctions, or take other action to enforce the court rules regarding the Case Schedule.

[Adopted Effective September 1, 2000]

Local Civil Rule 5
BRIEFS

All briefs, declarations, affidavits, and other supporting written documentation pertaining to trials, summary judgments motions and any other motions (including domestic relations), shall be served and filed in the cause. A copy, clearly marked "BENCH COPY," of each such document pertaining to trials, summary judgments or any other motions noted for hearing to exceed 10 minutes, shall be delivered to the Court Administrator not later than two court days prior to the scheduled hearing. No briefs shall be submitted to the Court unless prior thereto or simultaneously therewith a copy thereof has been served upon or mailed to opposing counsel. All bench copies will be destroyed one (1) week after the original date noted for hearing unless counsel requests copies be returned, with return postage arranged.

[Adopted effective April 1, 1986; Amended effective September 1, 2000; September 1, 2001; September 1, 2002; September 1, 2003; September 1, 2005, September 1, 2007]

Local Civil Rule 7
PLEADINGS ALLOWED; FORM OF MOTIONS

(b) Motions and Other Papers.

(1) Reapplication for Order. When an order has been applied for and refused in whole or in part or has been granted conditionally and the condition has not been performed, the same application for an order must not be presented to another judge without advising the second judge of the fact that the order was previously refused or conditioned.

(2) Necessary Provision in Pleadings Relating to Supplemental Proceedings and Show Cause Hearings for Contempt. In all supplemental proceedings wherein an order is to be issued requiring the personal attendance of a party to be examined in open court, and in orders to show cause for contempt, the order must include the following words in capital letters:

> YOUR FAILURE TO APPEAR AS ABOVE SET FORTH AT THE TIME, DATE, AND PLACE THEREOF WILL CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN BE HEARD OR UNTIL BAIL IS POSTED.

No bench warrant will be issued in such cases for the apprehension of the cited person if such language has been omitted.

(3) Counsel Fees. Appointed counsel submitting motions for fixing or payment of fees and counsel requesting that the Court fix fees in any other case (except for temporary fees in domestic relation cases) should itemize their time, services rendered, or other detailed basis for the fees requested and attach a copy thereof to the motion.

(4) Action Required by Clerk. All documents filed with the Clerk, other than a note for the motion or trial dockets (see LCR 40) which require any action (other than filing) by the Clerk shall contain a motion in the caption specifying the nature of the document the words: "CLERK'S ACTION REQUIRED."

(5) Motion to Shorten Time All motions to shorten time must be in writing and supported by declaration or affidavit that (a) states exigent circumstances or other compelling reasons why the matter must be heard on shortened time and (b) demonstrates due diligence in the manner and method by which notice, or attempted notice, was provided to all other parties regarding the presentation of the motion to shorten time. If the moving party, after showing due diligence, has been unable to notify all parties of the motion to shorten time, it is within the judicial officer's discretion to proceed with the motion to shorten time. The judicial officer shall indicate on the order shortening time the minimum amount of notice to be provided the responding party, which, barring extraordinary circumstances as set forth in the declaration or affidavit supporting the motion, shall not be less than 48 hours. The court file must be presented along with the motion to shorten time, declaration or affidavit, and the proposed order to the judicial officer considering the request.

[Adopted Effective April 1, 1986; Amended Effective August 1, 1990; September 1, 2002]

Local Civil Rule 16
PRE-TRIAL PROCEDURE

(a) Settlement Conferences. In all cases governed by a Case Schedule pursuant to LR 4, the Court shall schedule a settlement conference.

(1) Preparation for Conference.

(A) No later than the date set forth on the civil case schedule order, all parties shall prepare a position statement and shall mail or deliver it to the court administrator. No fax copies will be accepted by the court. Position statements shall not be filed in the court file. No party shall be required to provide a copy of the position statement to any other party. The position statement shall include the following:

(i) A brief non-argumentative summary of the case.

(ii) A statement of whether liability is admitted, and if not, the plaintiff's theory or theories of liability and the defendant's theory or theories on non-liability.

(iii) A list of all items of special damages claimed by the plaintiff and a statement of whether any or all of those are admitted by the defendant.

(iv) An explanation of the general damages, including a summary of the nature and extent of any claimed disability or impairment.

(v) A statement of what settlement offers have been made thus far, if any.

(vi) The position statement is to be a summary only. It is not to include a copy of any exhibits, medical reports, expert witness reports, etc. Generally the length of the summary will be 1 - 5 pages. The summary should take the form of a letter that begins with a reference to the name of the case and the cause number. It should not be in the form of a pleading.

(2) Parties to Be Available.

(A) The parties and counsel shall attend the settlement conference except on prior order of the Court upon good cause shown.

(B) Representative of Insurer. Parties whose defense is provided by a liability insurance company need not personally attend the settlement conference, but a representative of the insurer of said parties shall be available by telephone or in person with sufficient authority to bind the insurer to a settlement.

(3) Failure to Attend.

(A) Sanctions. Failure to comply with the provisions of paragraphs 1 and 2 above may result in the imposition of terms and sanctions as the Court may deem appropriate.

(B) Default. Failure to appear at the settlement conference, without prior approval of the court, may constitute an act of default. Any party appearing at the settlement conference may move for default pursuant to CR 55. Costs and terms may be assessed at the discretion of the court.

(4) Proceedings Privileged. Proceedings of said settlement conference shall in all respects be privileged and not reported or recorded. No party shall be bound unless a settlement is reached. When a settlement has been reached, the Judge may in his/her discretion order the settlement agreement in whole, or, in case of a partial agreement, then the terms thereof, to be reported or recorded.

(5) Continuances. Continuances of settlement conferences may be authorized only by the Court on timely application.

(6) Pretrial Power of Court. If the case is not settled at a settlement conference, the Judge may nevertheless make such orders as are appropriate in a pretrial conference under CR 16.

(7) Judge disqualified for trial. A Judge presiding over a settlement conference shall be disqualified from acting as the trial Judge in that matter, as well as any subsequent summary judgment motions, unless all parties agree otherwise in writing.

(b) Pretrial Conference. In cases that are governed by a Case Schedule pursuant to LR 4, the Court shall schedule a Pretrial Conference, which shall be attended by the lead trial attorney of each party who is represented by an attorney and by each party who is not represented by an attorney. The parties must jointly prepare a Trial Management Report.

(c) Trial Management Report. In cases governed by a Civil Case Schedule Order pursuant to LR 4, the parties must jointly prepare a Trial Management Report. The Report shall be filed with the Court, with a copy served on the court administrator. The Report shall contain:

(1) Nature and brief, non-argumentative summary of the case;
(2) List of issues that are not in dispute;
(3) List of issues that are disputed;

(4) Index of exhibits (excluding rebuttal or impeachment exhibits);
(5) List of plaintiff's requests for Washington Pattern Jury Instructions;
(6) List of defendant's requests for Washington Pattern Jury Instructions;
(7) List of names of all lay and expert witnesses, excluding rebuttal witnesses;
(8) Suggestions by either party for shortening the trial.

(d) Parties to Confer in Completing Report. The attorneys for all parties in the case shall confer in completing the Trial Management Report. If any party fails to cooperate in completing the report, any other party may file and serve the report and note the refusal to cooperate.

(e) Form of Trial Management Report. A trial management report will be in generally the following form:

SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR BENTON AND FRANKLIN COUNTIES

	)
	) Case No.
Plaintiff(s)	)
	) TRIAL MANAGEMENT REPORT
V.	)
	)
	)
Defendant(s)	)

Pursuant to Lr 16, this Trial Management Report must be filed and served in all cases governed by a Civil Case Schedule. Failure to file and serve this report or to appear at the Pretrial Conference may result in the imposition of monetary sanctions, dismissal of the case, or entry of a default judgment. Failure to fully disclose all items required on this report may result in exclusion or restriction on use of evidence at trial. This is a joint report, requiring counsel to meet, confer and attempt to resolve differences in the matters addressed in this report. A copy of this report must be provided to the assigned judge

A. MEETING: The parties, by their attorneys, met at
_____
(address)

on _____ and could not settle the case and are prepared to proceed to trial.

B. NATURE OF CASE (Provide a joint, brief, non-argumentative description of the case suitable for reading to the jury panel):

C. TOTAL NUMBER OF TRIAL DAYS (total of plaintiff's and defendant's case): _____

D. LIST OF ISSUES WHICH ARE NOT IN DISPUTE:

E. LIST OF EACH ISSUE THAT IS DISPUTED (Issues not identified here may not be raised at trial without leave of the Court):

F. EXHIBITS (Trial counsel shall meet with the trial court clerk, and index all exhibits numerically listing first those exhibits which admissibility has been stipulated to by the parties):

Counsel met on _____, _____, conferred and reviewed a list of all exhibits that will be offered at trial. Any exhibit which is not on said list of exhibits will not be considered except by leave of the court.

G. INDEX OF EXHIBITS (The index shall indicate: (1) the exhibit number, (2) by whom offered, (3) a brief description, (4) whether the parties have stipulated to admissibility, and if not, (5) the legal grounds for the objection(s). Rebuttal or impeachable exhibits need not be listed):

EXHIBIT NUMBER (P OR D)	DESCRIPTION	STIPULATION AS TO ADMISSIBILITY	OBJECTION / GROUNDS (CITE ER)

H. LIST OF PLAINTIFF'S REQUESTS FOR WASHINGTON PATTERN JURY INSTRUCTIONS (If special and not WPI/WPIC or pattern instructions including bracketed material, attach a copy):

I. LIST OF DEFENDANT'S REQUESTS FOR WASHINGTON PATTERN JURY INSTRUCTIONS (If special and not WPI/WPIC or pattern instructions including bracketed material, attach a copy):

J. LIST OF NAMES AND SCHEDULE OF ALL LAY AND EXPERT WITNESSES (Describe type of witness (lay, treating, expert) and party calling witness. Please estimate all necessary time for presentation of all direct and cross examination. Rebuttal witnesses need not be listed):

NAME	PARTY	ESTIMATED TIME FOR WITNESS TESTIMONY

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed:	_____	Signed:	_____
Dated:	_____	Dated:	_____
WSBA #:	_____	WSBA #:	_____
Phone Number:	_____	Phone Number:	_____
Attorney For:	_____	Attorney For:	_____

[Adopted Effective April 1, 1986; Amended Effective September 1, 2000; September 1, 2002, September 1, 2003, September 1, 2007]

Local Civil Rule 40
ASSIGNMENT OF CASES

(a) Notice of Trial - Note of Issue

(1) Of Fact - Note for Trial Docket.

(A) Any party desiring to bring any issue of fact to trial, except for cases governed by LCR 4 and LCR 04.04W, shall file with the Clerk and Court Administrator's Office and serve upon the other parties or their attorneys a "Notice of Trial Setting and Certificate of Readiness," in the form maintained by the Court Administrator's Office, which shall contain the title for the court, a brief title of the case, the case number, the nature of the case, whether jury or non-jury, whether there has been a 12-person jury demand, whether a 6-person jury would be acceptable, estimated trial time, the name and address and telephone number of each attorney assigned to the case, whether there should be a pre-trial conference, preferential trial dates or times, and anything further that would assist the Court in setting a trial date, and shall be subscribed by the attorney filing the same.

(B) An attorney noting a case for trial thereby certifies that the case is at issue, that there has been a reasonable opportunity for discovery, that discovery will be complete by the trial date, that necessary witnesses will be available, and that to his/her knowledge, no other parties will be served with a summons and no further pleadings will be filed prior to trial.

(C) The attorney noting the case for trial shall confer with all other counsel prior to noting the case for trial setting to determine if there is any objection to setting. If there is no objection, the attorney shall so certify on the notice of setting. If there is objection and the setting attorney believes the objections to readiness are not justified, the attorney shall so indicate on the setting notice and the matter shall be heard by the Presiding Judge on the motion calendar.

(D) In the event all parties agree the case is ready for trial or will be ready for trial by a specific date, but have objections to particular dates, they shall notify the Court Administrator's Office of unavailable dates within five (5) days after receiving the notice of trial setting.

(2) Of Law.

(A) Note for Motion Docket. Any attorney desiring to bring any issue of law on for hearing shall file with the Clerk and serve on all opposing counsel, not

later than five (5) days prior to the day on which the attorney desires it to be heard, a note for the motion docket, which note shall contain the title of the court, the Clerk's number, a brief title of the cause, the date when the same shall be heard, the words "Note for Motion Docket," the name or names of each attorney involved in the matter, the nature of the motion, and by whom made. It shall be subscribed by the attorney filing the same and shall bear the designation of whom the attorney represents. The foregoing provisions shall not prohibit the hearing of emergency motions at the discretion of the Court.

If the moving party expects the motion to take more than ten (10) minutes to argue by all sides collectively, the movant shall designate on the note for motion docket that the matter is "over 10 minutes." If the non-moving party expects the argument take over ten (10) minutes by all sides, the non-movant shall call the Clerk's Office not later than two court days prior to the scheduled hearing and so advise the Clerk. All documents supporting or opposing the motion shall be filed not later than two court days prior to the scheduled hearing.

(B) Removal of Motion. If the motion is not so served, mailed, and filed, the Court may strike the same from the calendar.

(C) Service of Notice. The motion will not be heard unless there is on file proof of service of notice upon the attorney for the opposing party or there is an admission of service by opposing counsel.

(D) Continuance or Strike of Noted Motions. A matter noted on a motion docket may be continued pursuant to the following:

i. At the time of the hearing, either party may request the Court to continue the motion. If the moving party so requests, the Court may grant the motion to continue, with or without cause, one time.

ii. Upon a showing of cause, the Court, in its discretion, may grant the non-moving party's request for a continuance.

iii. Once either party has continued a motion one time, absent a showing of cause, the Court may deny a second request for continuance.

If the matter is stricken on the docket and the moving party still desires a hearing, a new note for motion docket must be filed with the Clerk in accordance with section (A), above.

(b) Methods.

(1) Court Administrator to Assign Dates. The Court Administrator shall assign trial dates under the supervision of the Presiding Judge who shall be in direct charge of the trial calendar. To the extent practical, cases shall be set chronologically according to noting date, except for cases having statutory preference.

(2) Jury and Non-jury Trials. Upon the serving and filing of a "Notice of Trial Setting and Certificate of Readiness," the Court Administrator shall forthwith assign a specific trial date and notify the Clerk and counsel of the date assigned.

(3) Advancing Trial Dates. Any case assigned a specific date may, at the discretion of the Presiding Judge, be advanced to an earlier date or may be reset if the court calendar permits. Notice shall be given at least five (5) days prior to the new trial date assigned.

(4) Notice of Settlement. Notice of the settlement of a case set for trial shall be immediately given to the Court Administrator or, if unable to contact the Court Administrator, to the Clerk. Any circumstance preventing any case from going to trial as scheduled, immediately upon becoming known to counsel, shall be communicated to the Court Administrator. Failure to comply with this rule may result in the assessment of terms including the expense of a jury panel.

(c) Continuances. No trial setting shall be continued by stipulation of counsel without good cause and without approval of the Presiding Judge or Court Administrator within twenty (20) days of the date set for trial. More than twenty (20) days before trial, stipulations for continuance will normally be honored unless the Court concludes a continuance is unwarranted.

(d) Change of Judge.

(1) Affidavit - Judge. An affidavit for change of judge and motion for transfer of action shall be presented to the judge against whom the affidavit is made for a ruling on the motion immediately after the assignment or upon receipt of the noting of a motion, order to show cause, or summary judgment motion. The motion and the affidavit must be filed with the clerk in the Presiding Department if the order is granted so that the case may be reassigned. No affidavit filed pursuant to RCW 4.12.050 shall be honored if

filed against the designated Presiding Judge on the civil motion docket unless it is filed five (5) days prior to the hearing. The name of the Presiding Judge is maintained by the Court Administrator and will be furnished upon request.

(2) Affidavit - Court Commissioner. Affidavits of prejudice or for change of Court Commissioner will not be recognized. The remedy of a party is for a motion for revision under RCW 2.24.050.

(e) Writ of Habeas Corpus Relating to Custody of Minor Children. Applications for Writs of Habeas Corpus relating to custody of minor children shall be presented to and returnable to the presiding judge of the Superior Court for Benton and Franklin Counties on court days between the hours of 9:00 a.m. and 4:00 p.m.

[Adopted Effective April 1, 1986; Amended Effective September1, 1998; September 1, 2000; September 1, 2002, September 1, 2003, September 1, 2004, September 1, 2008]

Local Civil Rule 42
CONSOLIDATION; SEPARATE TRIALS

(a) Consolidated Cases for Trial. When two or more cases are consolidated for trial only, all documents shall be submitted with an original for each file so consolidated. Consolidated cases shall be presumed to be consolidated for trial only, unless otherwise indicated.

[Adopted Effective August 1, 1990, September 1, 2007]

Local Civil Rule 47
JURORS

(a) Voir Dire. The trial judge may examine the jury touching their qualification to act as fair and impartial jurors in the case before him; provided that thereafter the trial judge shall give leave to respective counsel to ask the jurors such supplementary questions as may be deemed by the trial judge proper and necessary. The voir dire examination of prospective jurors shall, as nearly as possible, be limited to those matters having a reasonably direct bearing on prejudice or qualifications and shall not be used by opposing counsel as a means of arguing or trying their case on voir dire.

(e) Challenge.

(9) Peremptory Challenges. All peremptory challenges allowed by law shall be exercised in the following manner:

the bailiff will deliver to counsel for the plaintiff and counsel for the defendant, in turn, a prepared form upon which each counsel shall endorse the name of the challenged juror in the space designated, or his acceptance of the jury as constituted. The bailiff will then exhibit this form after each challenge to the opposing counsel, and the Court. As each juror, in addition to the first twelve (12), is selected, he shall take his place in a space designated by the bailiff outside of the jury box and the first twelve (12) jurors shall retain their places. After all challenges have been exhausted, the Court will excuse those jurors who have been challenged and will seat the jury as finally selected.

The purpose of this rule is to preserve the secrecy of peremptory challenges and all parties and their counsel shall conduct themselves to that end. This procedure may be modified if appropriate.

(k) Selection of Jurors. The Benton County Superior Court and the Franklin County Superior Court shall employ a properly programmed electronic data processing system or device to make random selection of jurors as required by RCW 2.36.060.093. It

is determined that fair and random selection may be achieved without division of the county into three (3) or more jury districts. During the month of July of each year, a master jury list shall be selected by an unrestricted random sample in accordance with RCW 2.36.055.

[Adopted Effective April 1, 1986]

Local Civil Rule 48
JURIES OF LESS THAN TWELVE

(a) Stipulation: Procedure. The parties may stipulate that the jury shall consist of any number of persons less than twelve (12) but not less than three (3). Counsel shall call the stipulation to the attention of the Presiding Judge when the case is called for trial. The stipulation, if in writing, shall be filed in the cause; if oral, it shall be noted by the clerk in the minutes of the trial.

(b) Challenges Not Affected. The stipulation shall not affect the number of challenges, nor the manner of making them, unless the parties expressly agree otherwise. (See RCW 4.44.120, et seq.)

[Adopted Effective April 1, 1986]

Local Civil Rule 51
INSTRUCTIONS TO JURY AND DELIBERATION

(a) Proposed.

(1)Instructions Required of Plaintiff. Plaintiff's counsel shall prepare and present to the Court a cover instruction containing the title and file number of proceedings, the name of the attorney for each party properly designated, and appropriate blank space where the name of the judge hearing the case can be inserted, and entitled "Instructions of the Court."

(2) Instructions in the Alternative. Instructions, the form of which are dependent upon rulings of the Court, may be submitted in the alternative and counsel shall have the right to withdraw those instructions made unnecessary or inappropriate by reason of said rulings at any time prior to the submission of the Court's instructions to the jury.

(b) Submission.

(1) Distribution. Sets of proposed instructions shall be prepared and distributed as follows:

(A) Original, which shall be assembled and numbered, shall be filed with the clerk;

(B) One copy, which shall be assembled, numbered and contain citations, shall be provided to counsel for each other party;

(C) One copy, which shall be assembled and numbered, shall be retained by the counsel preparing them;

(D) Two copies shall be delivered to the trial judge: one assembled, numbered and with citations, and one without numbers or citations. Citations, as required by the rule, shall include applicable WPI or WPIC numbers and shall appear on the bottom of the proposed instructions.

(2) Time for Serving Instructions. Upon request of the trial judge to all counsel and made not more than seven (7) days before the date of trial, counsel shall prepare and deliver to the trial

judge and to other counsel, not less than three (3) days before the day on which the case is set for trial, the required number of copies of proposed instructions insofar as counsel may then be able to determine them. Unless so requested, instructions shall be submitted when called for trial.

(c) Verdict Forms. Each verdict form shall be headed with title and cause number of the proceeding. This shall also apply to special interrogatories. A date line shall be typed above the line for the foreman.

(d) Published Instructions.

(1) Request. The Court has not adopted a local rule to allow instructions appearing in the Washington Pattern Instructions (WPI or WPIC) to be requested by reference to the published number.

(2) Modified Instructions. Whenever a Washington Pattern Instruction (WPI or WPIC) is modified by the addition of, the deletion of, or the modification of certain language, the party proposing the instruction must cite the instruction as follows: "WPI or WPIC No. Modified."

(e) Disregarding Requests. The trial court may disregard any proposed instruction not proposed or submitted in accordance with this rule.

(f) Civil and Criminal. This rule applies to instructions for civil and criminal cases.

(g) Duties Relating to Return of Verdict. Attorneys awaiting a verdict shall keep the clerk advised of where they may be reached by phone. Attorneys desiring to be present for the verdict shall be at the courthouse within fifteen (15) minutes of the time they are called. In a criminal case, at least one attorney for each party and the prosecuting attorney or deputy prosecuting attorney shall be present for the receipt of the verdict, unless excused by the Court. The defense attorney is responsible for advising the defendant to be present for the verdict unless defendant is in custody.

[Adopted effective April 1, 1986; Amended effective September 1, 2003; September 1, 2005]

Local Civil Rule 52
FINDINGS OF FACT AND CONCLUSIONS OF LAW

(a) Submission. Within fifteen (15) days after the decisions rendered, each party who shall desire to submit Findings of Fact and Conclusions of Law shall deliver the same together with the Proposed Judgment to the opposing counsel.

(b) Objections. Any party objecting to the Findings, Conclusions or Judgment shall, within fifteen (15) days after receipt of the same, deliver to proposing counsel two (2) copies of the objections thereto in writing, and the proposed substitutions. Upon receipt of the objections, the proposing attorney shall mail the proposed Findings, Conclusions and proposed Judgment together with one (1) copy of the objections and the proposed substitutions received from opposing counsel to the trial judge.

(1) If there are not objections received within the fifteen (15) day period aforesaid, counsel may forward the submittal to the judge who shall, within 10 days thereafter, either (a) sign the proposed Findings of Fact, Conclusions of Law and Judgment and forward to the Clerk for filing with conformed copies to all counsel, or (b) return the Findings of Fact, Conclusions of Law and Judgment, if deficient, to all counsel noting the Court's requested changes or additions thereto.

(2) If objections are made, the Court shall arrange for a chamber conference to settle the issues as soon as practicable.

(c) Intent. It is the intent of this rule that Findings of Fact, Conclusions of Law and Judgment will be settled and filed as soon as possible, and that such matters shall not be noted on the Motion Docket; provided however, that if the Findings of Fact, Conclusions of Law and Judgment are not settled within sixty (60) days after the Court's oral or written decision, either party may note entry of the Findings of Fact, Conclusions of Law and Judgment on the Motion Docket. [Adopted Effective April 1, 1986]

Local Civil Rule 53.2
COURT COMMISSIONERS

(e) Revision by the Court.

(1) Motion Content and Service Deadlines. A party seeking revision off a Court Commissioner's ruling shall within ten (10) days of entry of the written order, file and serve a Motion for Revision. The motion must set forth specific grounds for each claimed error and argument and legal authorities in support thereof. The motion shall be accompanied by a copy of the order for which revision is sought, along with copies of all papers which were before the Commissioner in support, or in opposition in the original proceedings. A copy of the motion and all supporting documents shall be provided to all other parties to the proceedings and to the Court Administrator who shall refer the motion to the appropriate Judge for consideration. The responding party shall have five (5) working days from the receipt of the motion to file a written response with the Clerk and provide copies to all other parties and to the Court Administrator.

(2) Transcript Required. When seeking revision of a ruling of the Court Commissioner which was based on testimony, such testimony must be transcribed and attached to the motion. If the transcript is not timely available, the moving party must set forth arrangements which have been made to secure the transcript.

(3) Review is De Novo. Review of the Commissioner's order shall be de novo based on the pleadings and transcript submitted and without oral argument unless requested by the reviewing Judge.

(4) Scope of Motion. The Judge may deny the motion, revise any order or judgment which is related to the issue raised by the motion for revision or remand to the Commissioner for further proceedings. The Judge may not consider evidence or issues which were not before the Commissioner or not raised by the motion for revision. The Judge may consider a request for attorney fees by either party for the revision proceedings.

(5) Effect of Commissioner's Order. The Court Commissioner's written order shall remain effective unless and until revised by the Judge or unless stayed by the Judge pending proceedings related to the motion for revision.

Local Civil Rule 56
SUMMARY JUDGMENT

(c) Motion and Proceedings.

(1) Briefs. Briefs, or statements of points and authorities, shall be mandatory with respect to all motions for summary judgment. The original is to be filed with the Superior Court Clerk and one additional copy, clearly marked "BENCH COPY," of all briefs, or statements of points and authorities shall be timely filed with the court administrator. All bench copies will be destroyed four (4) weeks after the original date noted for

hearing unless counsel requests copies be returned.

(2) Confirmation. In the event a motion for summary judgment or partial summary judgment is noted, counsel for the moving party shall, no later than the Monday before the hearing, confer with opposing counsel to determine if all parties are ready for the hearing and all documents have been filed by all parties.

(A) If all parties are not ready, the moving party shall either (1) continue the matter to a later Motion Docket, or (2) shall advise the opposing counsel that the matter shall be heard on the date originally set as to the granting or denial of the motion or a continuance thereof.

(B) In the event the moving party unreasonably refuses to continue the case or the opposing party unreasonably is not prepared for the hearing, terms may be assessed.

(C) The moving party shall by 12:00 noon, on the Tuesday prior to the hearing, confirm with the clerk that the motion will be heard on the date set. However, the clerk shall not allow more than three (3) summary judgment hearings to be confirmed for any one date. A moving party contacting the clerk to confirm a summary judgment for a date for which three summary judgments have previously been confirmed shall continue the hearing to the next available setting and provide notice of the continuance to the other parties in the action and shall re-confirm the continued setting in accordance with the above rules.

(3) Motion - Contents of. The moving party shall specify with particularity the documentary evidence, including depositions, on which the motion is based.

(4) Confirmation. Once confirmed, no summary judgment hearing shall be continued without permission of the presiding Judge.

[Adopted Effective April 1, 1986; Amended Effective September 1, 1998; September 1, 2003, September 1, 2006]

Local Civil Rule 58
ENTRY OF JUDGMENT

(a) When.

(1) Judgments and Orders to be Filed Forthwith. Any order, judgment or decree which has been signed by the Court shall not be taken from the courthouse, but must be filed forthwith by the attorney obtaining it with the Clerk's Office or with the clerk in the courtroom. If signed outside the courthouse, the attorney procuring the order shall mail it to the appropriate clerk the same day, or file it by the next judicial day.

(2) Settlement. Upon settlement of any action a judgment of dismissal shall be entered forthwith.

(b) Effective Time

(1) Effective on Filing in Clerk's Office. Judgments, orders and decrees shall be effective from the time of filing in the Clerk's Office, unless filed in accordance with CR 5(e).

(2) Not to be Entered Until Signed. The clerk will enter no judgment or decree until the same has been signed by the judge.

(3) Judgments on Notes. The Court will sign no judgment upon a promissory note until the original note has been filed.

[Adopted Effective April 1, 1986]

Local Civil Rule 59
NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

(e) Hearing on Motion.

(1) Motions for New Trial, Reconsideration, or Judgment NOV. Motions for New Trial, reconsideration, or for judgment NOV shall be submitted without oral argument unless the Court orders otherwise as hereinafter provided. The motion shall be served and filed as provided in CR 59(b). At the time of filing the motion, the moving party shall serve and file a statement of points and authorities and deliver a copy of the motion, supporting documents and memorandum to the trial judge. The trial judge may (1) deny the motion, (2) call for a written response from the opposing party, or (3) call for oral argument.

[Adopted April 1, 1986]

Local Civil Rule 64
SEIZURE OF PERSON OR PROPERTY

All bench warrants issued in a civil proceeding shall be valid for one year from the date of issuance, unless quashed earlier. All such warrants issued in a civil proceeding shall contain substantially the following language: This warrant shall expire at the end of one year from the date of issuance.

[Adopted Effective August 1, 1990, September 1, 2003]

Local Civil Rule 65
INJUNCTIONS

(b) Temporary Restraining Order; Hearing: Duration. The party applying for an emergency order which would require or forbid the doing of some act, if a public body is involved, or if the opponent's counsel is known, shall notify the opponent or opposing counsel and shall request opponent's presence at the presentation of the order, unless good cause to the contrary is shown. If the opponent does not appear, the judge shall require a full showing with respect to the notice given.

(c) All applications for temporary restraining orders (except in domestic relation cases) shall be presented to the Presiding Judge, if available, or to such other judge as he may designate to handle such matters if available.

[Adopted Effective April 1, 1986]

Local Civil Rule 77
SUPERIOR COURTS AND JUDICIAL OFFICERS

(d) Court Hours. Court will be in session, unless otherwise ordered, on all judicial days except Saturdays. Court hours will be from 9:00 a.m. to 12:00 noon and from 1:30 p.m. to 4:00 p.m. Counsel shall be present in court at 8:30 a.m. on the first day of a jury trial. In criminal cases, defense counsel shall have the defendant in court at 8:30 a.m. the first day of trial unless the defendant is in custody.

(k) Hearing of Motion Calendar.

(1) The causes on the criminal docket and civil docket for

each motion day will be called in order, and the moving party, if no one appears in opposition, may take the order moved for upon proper proof of notice, unless the Court shall deem it unauthorized. In order to encourage participation in pro bono legal representation, all motions, where one or both parties are represented by pro bono counsel, shall, at the request of the pro bono attorney be given priority on the docket. Such priority shall be given without any reference as to the reason why. All parties are to appear in person unless other arrangements have been approved by the Court Administrator's office prior to the day of the hearing.

(2) Any motion or hearing may be continued by the Court to a subsequent motion day or set down by the Court for hearing at other specified times, and the Court may alter the order of hearing as may be necessary to expedite the business of court.

(3) When noting a matter for the motion calendar, counsel shall note below the heading of the motion "Over 10" when argument of the motion is anticipated to last longer than ten (10) minutes.

(4) Upon hearing any motion, if the Court is of the opinion that such motion is frivolous, or upon granting a continuance of any matter, terms may be imposed by the Court against the party filing such motion, or against the party at whose instance such continuance is granted.

(5) Lawyers should not ask the Court for ex parte orders without proper notice to opposing counsel, if counsel has appeared either formally or informally. This rule applies to temporary restraining orders and orders to show cause in domestic relations cases, as well as all other types of matters. (See Rule 65.)

(6) Motion Day; Memorandum of Authorities and Affidavits Required.

(A) The moving party shall serve and file with his or her Motion a brief written statement of the Motion and a list of citations of the authorities on which he or she relies. If the Motion requires the consideration of facts not appearing of record, he or she shall also serve and file copies of all affidavits and photographic or other documentary evidence he intends to present in support of the motion.

(B) Each party opposing the Motion shall at least one day prior to the argument, serve upon counsel for the moving party and file with the Clerk a statement of reasons and list of citations and of the authorities upon which he relies, together with any supporting material as provided in paragraph (a) of this Rule.

(C) A Motion may be regarded as submitted and, in the discretion of the Court to expedite it's business, may be determined without oral argument when both sides have served and filed their written statements with list of authorities and all affidavits, photographic or documentary evident. (Cross Ref.: CR 77(i)).

(D) The Court will not entertain any Motion or objection with respect to Rules 26, 27, 30, 31, 33, 34, 35 or 36, Civil Rules for Superior Court unless it affirmatively appears that counsel have met and conferred with respect thereto. Counsel for the moving or objecting party shall arrange such a conference. If the Court finds that counsel for any party, upon whom a Motion for an objection with respect to matters covered by such rules is served, willfully refused to meet and confer, or having met, willfully refused or fails to confer in good faith, the Court may take appropriate action to encourage future good faith compliance. In the event of an emergency, the Court will entertain Motion objections which would otherwise be governed by the above rule.

[Adopted Effective April 1, 1986; Amended Effective September 1, 1998, September 1, 2003, September 1, 2004, September 1, 2005]

Local Civil Rule 79
BOOKS AND RECORDS KEPT BY THE CLERK

(d) Other Books and Records of Clerk.

(1) Withdrawal of Files from Clerk's Office. Files generally shall remain in the Clerk's offices. The Clerk or employees thereof may take files to courtrooms or to judicial officers. Judicial officers, court reporters and court administration staff may check files out. Attorneys may also review court files, with convenient and appropriate areas for such review designated by the Clerk.

The statement of facts, after having been settled and signed, shall not be withdrawn from the Clerk's office except by order of the Court.

(2) Exhibits

(A) Temporary Withdrawal. Exhibits may be withdrawn temporarily from the clerk's office only by:

(i) The judge having the cause under consideration;

(ii)Official court reporters for use in connection with their duties, without court order; and,

(iii) An attorney of record, upon court order.

(B) Videotaped Depositions. Videotaped depositions published in open court shall be treated as court exhibits, with the same retention standards. A party who wishes to make a published videotaped deposition part of the court file must submit a certified transcript of the deposition.

(C) Return of Contraband Exhibits. When contraband, alcoholic beverages, tobacco products or controlled substances are being held by the clerk of the court as part of the records and files in any criminal case, and all proceedings in the case have been completed, the court may order the clerk to deliver such contraband or substances to an authorized representative of the law enforcement agency initiating the prosecution for disposition according to law.

(D) Return of Exhibits and Unopened Depositions. When a civil case is finally concluded, and upon stipulation of the parties or court order, the clerk of the court may return all exhibits and unopened depositions, or destroy the same.

(E) Disposition of Exhibits. After final disposition of a civil cause, the Court after hearing, may order the clerk to destroy or otherwise dispose of physical evidence which cannot, because of bulk or weight, be retained in the case file provided that all parties of record are given thirty (30) days written notice of any such hearing.

(3) Return of Administrative Records. When a case for review of an administrative record is finally completed, the clerk shall return the administrative record to the officer or agency certifying the same to the court.

(4) Verbatim Record of Proceedings. A verbatim report of proceedings shall not be withdrawn from the clerk's office except by court order.

(5) Transcripts. A request for a copy of a transcript prepared by a court reporter in the possession of the clerk of the court, shall be referred to the court reporter that prepared said transcript.

[Adopted Effective April 1, 1986; Amended Effective September 1, 2002, September 1, 2007]

Local Civil Rule 81
APPLICABILITY IN GENERAL

(a) To What Proceedings Applicable.

(1) Generally. In general, procedure in this Court shall be in accordance with pertinent Washington Court Rules as heretofore or hereafter adopted by the Supreme Court of Washington. These local rules are intended only to supplement those rules and are numbered, insofar as possible, to conform to the CR numbering system. The Rules shall also apply to criminal cases insofar as they are applicable.

(2) Suspension of Rules. The Court may modify or suspend any of these Rules in any given case, upon good cause being shown therefore, or upon the Court's own motion.

[Adopted Effective April 1, 1986, September 1, 2003]

Local Civil Rule 94.04W
DOMESTIC RELATIONS

(a) Family Court.

(1) Jurisdiction. All cases filed under Title 26 RCW shall be transferred to the Family Court for adjudication.

(2) Judicial Officers. Each of the judges and court commissioners of the Benton and Franklin Counties Judicial District are designated as Judges of the Family Court and Commissioners of the Family Court.

(3) Effective Dates. Sections (b) and (c), below, are effective and apply to all cases pending on January 1, 1999 or filed on or after January 1, 1999

(b) Automatic Mutual Temporary Order.

(1) Contents. Upon the filing of a summons and petition in any action subject to this rule, the court, on its own motion, shall automatically issue a mutual temporary order that includes the following provisions unless specifically otherwise ordered by the court:

(A) The parties are restrained from transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the immediate necessities of life or as agreed upon in writing by the parties. Each party shall notify the other party of any extraordinary expenditure made after the order is issued.

(B) The parties are restrained from assigning, transferring, borrowing, lapsing, surrendering or changing entitlements of any insurance policies of either or both parties, whether medical, health, life or auto insurance, except as agreed in writing by the parties.

(C) Each party is immediately responsible for any debts he or she incurs after the order is issued, whether by open account, credit card, loan, security interest or mortgage, except as agreed in writing by the parties.

(D) Each party shall have access to all tax, financial, legal and household records and reasonable access to such records shall not be denied.

(E) In every action in which children are involved:

(i) Each parent is restrained from changing the residence of the child(ren) until further order of the court, except as agreed in writing by the parties.

(ii) Each parent shall insure that the child(ren) not be exposed to negative comments about the other parent.

(2) Effective Date. The petitioner is subject to the order from the time of its entry upon filing of the summons and petition. The petitioner shall serve a copy of the order on the respondent. The respondent is subject to the order from the time that it is served. The order shall remain in effect until further order of the court.

(c) Mandatory Status Conference.

(1) Scheduling. All dissolution actions shall be scheduled for a status conference to occur within 60 days of filing. The petitioner or joint petitioners shall note the dissolution action for status conference by serving notice of the conference with the original service of process or by timely service in the manner required for service and filing of pleadings and other papers pursuant to Civil Rule 5. The Notice of Status Conference will advise the respondent and the clerk of the date, time, and place of the status conference.

(2) Preparation. At the status conference, both parties shall be present and shall be prepared to advise the court of the nature of all disputed issues, of the need for temporary orders, of the need for investigation by professionals, of allegations of domestic violence and/or child abuse and of any other issues affecting the timely disposition of the dissolution action.

(3) Financial Declarations. At the status conference all parties shall file and serve a financial declaration in the form prescribed by the Office of the Administrator for the Courts together with the following documents:

(A) Support Worksheets. If child support is an issue, Washington State Child Support Worksheets (ALL PAGES), signed by the submitting party;

(B) Tax Returns. Complete tax returns for the past two calendar years together with all schedules and W-2 forms;

(C) Partnership and Corporate Tax Returns. Complete partnership and/or corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party has had an interest of five percent or greater.

(D) Pay Stubs. All pay stubs showing income for the past six months or since January 1 of the Calendar year, whichever period is greater.

(4) Scheduling Order. At the status conference the Court shall review with the parties the nature of the issues in dispute and execute a scheduling order, which, except for good cause shown, shall set a settlement conference within 60 days of the status conference and a trial date within 30 days of the settlement conference.

(5) Mediation. At the time of the status conference, all disputed child custody and visitation issues shall be submitted to mandatory mediation pursuant to LCR 94.06W.

(6) Evaluations. The court may for good cause order a custody or parenting evaluation, mental health evaluation, alcohol or drug evaluation, mediation, treatment, counseling, and/or physical examination. The Court will determine the need for appointment of professionals and direct either or both parties to pay for services deemed necessary.

The issue of costs shall be addressed in the order requiring said services and shall contain an hourly rate and maximum payment if costs are to be at public expense.

(7) Business Valuations. If the value of the community interest in a business or professional practice is in dispute, the court shall appoint an appraiser to report to the court and the parties on the value of the business or professional practice. The parties may agree upon an appraiser to be appointed by the court. If the parties are unable to agree, each

party shall, at the status conference, designate a valuation expert, and the experts so designated shall, within ten days following the status conference, recommend to the court a valuation expert to be appointed as an appraiser by the court.

(d) Mandatory Settlement and Pretrial Conferences.

(1) Combined Settlement and Pretrial Conferences. A combined settlement and pretrial conference shall be held in all contested domestic relations cases. The purpose of the conference is to explore settlement of all issues and to identify disputed issues. Parties are not bound by the settlement recommendations of the Court, but are required to attend and participate. Attendance by all counsel and parties is mandatory. Failure to appear at the settlement conference, without prior permission of the court, shall constitute and act of default. The present party may move for default pursuant to CR 55.

(2) Discovery; Filing Position Statements. All discovery shall be completed twenty (20) days prior to the settlement conference. Petitioner shall prepare his or her position statement and mail or deliver the same to respondent and the court administrator seven (7) days prior to the settlement conference. No fax copies will be accepted by the court. Respondent shall file with the court administrator and serve his or her position statement, in the same format as the petitioner, incorporating the petitioner's data, and mail or deliver the same to the petitioner and the court administrator two (2) days prior to the settlement conference. Position statements shall not be filed in the court file. Failure to file position statements in accordance with the rule shall result in sanctions on the party not submitting the position statement.

(3) Position Statements.

(A) Form. Position statements for the purpose of the settlement conference shall be substantially in the form maintained by the Court Administrator's Office. The position statement will indicate the proposed disposition of assets and liabilities, proposed spousal maintenance, and residential placement of children, as applicable. The position statement shall not be used for any purpose at trial, unless otherwise agreed by the parties.

(B) Asset/Liability List. If distribution of assets or liabilities is an issue, each party shall file and serve a list of assets and liabilities known to the party, together with the position statement, and shall indicate the party's good faith opinion as to the fair market value of any asset as of the date of separation. The parties may also indicate the current fair market value if there is a significant difference. The list shall be signed by the party under penalty of perjury. This list may be used at trial, subject to the rules of evidence.

(C) Needs/Abilities Statement. If spousal maintenance or attorney's fees is at issue, each party shall file and serve a statement containing a list of all income and assets, including any retirement benefits, together with a list of current monthly living expenses and liabilities. The information regarding liabilities shall indicate the total amount owed as of the date of separation, the amount the party has paid on the debt(s) since the date of separation, and the monthly payment on the debt(s). The statement shall also include information concerning the needs and abilities of the party, including age, education, work experience, and mental and physical health. This statement shall be signed by the party under penalty of perjury. This statement may be used at trial, subject to the rules of evidence.

(D) At the time of the settlement conference or before, all exhibits intended to be used at trial will be disclosed and a copy provided to the opposing party.

(E) Pretrial Statement. At the conclusion of the settlement conference, if the case is not then settled, the parties shall complete a Joint Pretrial Statement, in the form maintained by the Court Administrator's Office. Both parties and attorneys shall sign the Joint Pretrial Statement.

(4) Discovery Required. The parties are required to file and exchange, as appropriate, the following documents no later than

the discovery cut-off date:

(A) Support Worksheets. If child support is an issue, Washington State Child Support Worksheets (ALL PAGES), signed by the submitting party;

(B) Tax Returns. Complete tax returns for the past two calendar years together with all schedules and W-2 forms;

(C) Partnership and Corporate Tax Returns. Complete partnership and/or corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party has had an interest of five percent or greater.

(D) Pay Stubs. All pay stubs showing income for the past six months or since January 1 of the calendar year, whichever period is greater.

(E) A copy of the most recent statement of balances due on mortgages, real estate purchase contracts, deeds of trust, installment purchase contracts, and time payment accounts owed by or to the parties;

(F) The most recent employers' ERISA statement, and a statement of contribution since that statement, of any pension plan of either party;

(G) A written appraisal of any real estate, antiques, jewelry, or other items of special, unusual, or extraordinary value or a summary of the evidence which will be relied upon;

(H) A verified extract or copy of the most recent N.A.D.A. Official Used Car Guide or AppraiIal Guide showing both average loan and wholesale and retail values for any automobiles.

(I) A summary of the source and tracing of any property asserted to be the separate property or obligation of either party.

(J) A statement from each life insurance company issuing a policy of insurance on the life of either party as to its cash value and any loans on the cash value.

(K) A written appraisal of any proprietorship, partnership, or closely held corporation of the parties, or a summary of the evidence which will be relied upon.

(L) Expert witnesses shall be disclosed at or before the pretrial conference.

(e) Entry of Decree.

(1) Non-contested Calendar. The clerk shall not place any dissolution case on the non-contested calendar unless proof is filed that summons was served more than ninety (90) days before the date selected for hearing and that the case has been on file more than ninety (90) days.

(2) Time of Presenting Documents for Signature. At the time of hearing of a non-contested dissolution case, the necessary documents to be signed must be presented to the Court for signature. If signed, they shall be filed with the clerk forthwith. For good cause shown, the Court may extend the time for presentation.

(3) Disposition of Issues. No decree of dissolution shall be entered unless the decree disposes of all issues over which the Court has jurisdiction.

(f) Copy of Decree to be Delivered. In default dissolution cases, at the time of filing the decree, the attorney for the prevailing party shall immediately deliver to his or her client and deliver to or mail to the other party, at his or her address, if known, or to his or her attorney, a conformed copy of the decree with the date of filing the original indicated on each copy so delivered or mailed. The decree shall be filed forthwith upon granting the dissolution.

(g) Orders Pendente Lite. Ex parte orders in domestic

relations matters which restrain one party from the family home or from contact with the other party or children shall not be entered unless the Court finds (and the order provides) that irreparable injury could result if the order is not entered. No ex parte orders shall be issued changing the custody of minor children without a clear showing of present danger to a child (children) and/or that the custodial person will, unless custody change is immediate, remove the said child (children) from the State of Washington. The attorney presenting the order shall specifically advise the Court that the order presented contains such a provision.

(h) Modification of Divorce Decree - Re: Support. If a petition to modify any order, judgment or decree is with regard only to support of minor children, then it shall be heard upon affidavit only, which shall concern change of circumstances and other appropriate matters, unless the petitioner therein has obtained leave of Court to hear said matter upon oral testimony, in which event the notice of hearing shall so provide. The respondent, prior to the return date, may obtain leave of Court to present oral testimony.

(i) Actions for Modification of Custody. A motion for modification of the custody provisions of a decree of dissolution or other custody decree shall be brought on by noting the adequate cause hearing required by RCW 26.09.270 on the motion calendar. The notice shall inform the other party of the time and place of hearing, the right of the other party to file opposing affidavits, and that the Court will take the following action:

(A) If adequate cause for hearing is not established by the affidavits, the motion for modification of the custody decree will be denied.

(B) If adequate cause for hearing is established by the affidavits, an order will be issued fixing a trial date and requiring the other party to show cause why the motion for modification should not be granted.

(C) If venue or jurisdiction is an issue, either party may apply to the Presiding Judge for an expedited hearing on this issue, which shall be heard promptly prior to a hearing on the merits.

(2) Motions for Temporary Custody. Except with respect to pending actions for dissolution, legal separation, or a decree of invalidity, motions for temporary custody will not be heard until adequate cause has been established. Once adequate cause is established, the Court may proceed immediately to the hearing of the motion for temporary custody or continue the same, as justice requires.

(3) Actions for Modification of Visitation. Actions to clarify or change established visitation rights shall not require an adequate cause hearing.

[Adopted effective April 1, 1986; Amended effective September 1, 1998; September 1, 1999; September 1, 2001; September 1, 2003; September 1, 2005, September 1, 2007]

Local Civil Rule 94.05W
MANDATORY PARENTING SEMINARS

(a) Applicable Cases. This rule shall apply to all cases filed after January 1, 1997 under Chapter 26.09, Chapter 26.10, or Chapter 26.26 RCW which require a parenting plan or residential plan for minor children; including dissolutions, legal separations, major modifications, paternity actions in which paternity has been established, and non-parental custody actions.

(b) Mandatory Attendance. In all cases governed by this rule, all parties shall complete a parenting seminar approved by the

court. Standards for parenting seminars shall be established by the court and providers approved by the court.

(c) Timing. Parties required by this rule to participate in a parenting seminar shall complete an approved parenting seminar within 60 days of service of a petition or motion initiating the action which is subject to this rule. In the case of paternity actions initiated by the prosecuting attorney's office, the parenting seminar shall be required only when paternity is established or acknowledged and a parenting plan is requested. The class will be completed prior to entry of a permanent parenting or residential plan.

(d) Fees. Each party attending a seminar shall pay a fee charged by the approved provider and sanctioned by the court. The court may waive the fee for indigent parties.

(e) Special Consideration/Waiver.

(1) In no case shall opposing parties be required to attend a seminar together.

(2) If the court determines that attendance at a seminar is not in the children's best interest, pursuant to Chapter 26.12 RCW, the court shall either:

(A) waive the requirement of completion of the seminar; or

(B) allow participation in an alternative parenting seminar if available.

(3) The court may waive a party's attendance or extend the time required for attendance at a seminar for good cause shown.

(f) Failure to Comply. Willful refusal to participate in a parenting seminar or willful delay in completion of a court ordered parenting seminar by any party will constitute contempt of court and may result in sanctions, including, but not limited to, imposition of monetary terms, striking of pleadings, or denial of affirmative relief to a party not in compliance with this rule.

[Adopted Effective January 1, 1997; Amended Effective September 1, 1999]

Local Civil Rule 94.06W
MANDATORY MEDIATION OF CHILD PLACEMENT AND VISITATION ISSUES

(a) Effective Date. This rule applies to all cases filed on or after January 1, 1999. Cases pending December 31, 1998 may be referred to mandatory mediation upon order of the Court or agreement of the parties.

(b) Child Placement Proceeding Defined. For purposes of this rule, a child placement proceeding shall be defined as any proceeding before the court in which placement or visitation is at issue, except juvenile court dependency proceedings.

(c) Mediation Required. All placement or visitation issues shall be referred to mandatory mediation at the status conference. The mediation requirement may be waived by the court for good cause. A motion for waiver shall be noted before the court. An Order Waiving Mediation shall be filed with the court prior to the case being set for settlement conference.

(d) Superior Court Jurisdiction and Other Rules - Show Cause Hearings. The requirement of mediation shall not prevent the court or court commissioner from entering temporary orders.

(e) Referral to Mediation.

(1) Note For Mandatory Mediation. The party filing the note for Mandatory Mediation shall do so upon the form prescribed by the court.

(2) Choice of Mediator. Parties may elect to have their case mediated by a mediator of their choice through stipulation. Family court mediators shall be

available for limited mediations services according to a fee schedule which may be modified from time to time. In the absence of a stipulation the court will assign a mediator at the status conference.

(3) Notice of Appointment as Mediator. Notice of Appointment shall be mailed to the mediator selected with copies being mailed or delivered to each counsel or party. Mediation shall commence within two weeks from the date of appointment unless otherwise agreed to by the parties and the mediator.

(f) Authority of Mediator. The mediator has the authority to determine the time, place, and duration of mediation. In appropriate cases, the mediator shall have the authority to terminate the mediation prior to completion.

(g) Attendance. Mediation session shall normally include the parties only, but may, by agreement of the parties, include other persons. Attendance at mediation sessions is mandatory.

(h) Declaration of Completion. Within seven (7) days of completion, a declaration of completion shall be filed by the mediator. The counsel and parties shall be advised by the mediator, on a separate document attached to the declaration of completion, the results and recommendations of the mediator. The mediator shall advise the court only whether an agreement has been reached.

(i) Payment. Family court mediators shall be paid by the parties, in proportion to their respective incomes, unless either or both parties are declared to be indigent or partially indigent. For consideration of indigency, Affidavits of Financial Status shall be executed by each party and a court determination of the financial status shall be set by court order prior to the commencement of mediation. The family court mediation fee in indigent cases shall be the current mandated fee set by the court. In private pay cases, fee schedules are set by individual mediators. Fees to be paid by the court shall be submitted for payment on the mediator's request for compensation. Private pay mediators are responsible for their own payment arrangements.

(j) Mediation Unsuccessful. If the parties fail to reach an agreement in mediation of the issues of placement and visitation, a family court investigation may be ordered. The family court investigator shall not be the same person who mediated the case. Upon completion of the investigation, written recommendation shall be filed with the court.

(k) Confidentiality. The work product of the mediator and all communications during mediation shall be privileged and not subject to compulsory disclosure. The mediator shall not appear or testify in any court proceedings.

(l) Child Advocate

(1) Appointment. Upon motion of the parties or on the Court's own motion, the court may appoint a child advocate who may be a Guardian Ad Litem or A Court Appointed Special Advocate (CASA). The order shall designate the appointee, the duties, and make provision for the payment of fees.

(2) Notice. Pursuant to the civil rules, from the date of the appointment, the child advocate shall receive copies of all documents that are to be served on parties, copies of all discovery, and notice of all hearings, presentations and trials related to the child custody or visitation.

(3) Discharge. Unless otherwise set forth in these rules, the child advocate shall be discharged only by order of the Court upon motion or upon completion of the case when the final orders are filed with the approval of the appointed child advocate.

(4) In any case where a child advocate has been appointed, prior to entry of the final parenting plan or residential schedule, the child advocate must sign a Declaration indicating the child advocate has reviewed the final order and approves, does not approve, or approves in part. If the child advocate does not approve of all provisions in the final plan, the child advocate must state in the Declaration what provisions are objected to and why.

[Adopted Effective September 1, 1998, amended effective September 1, 2008]

Local Civil Rule 94.07W
DOMESTIC RELATIONS MOTIONS

(a) Family court motions. Family court motions shall be scheduled on the

family court dockets in Benton and Franklin counties in accordance with the docket schedule approved by the Superior Court judges. Docket days and times are available through the Superior Court Administrator?s Office or the Superior Court Clerk?s office.

(1) Benton County Family Court motions.

(A) Benton County family court motions requiring more than ten minutes for argument shall be noted on the over-ten domestic docket which starts at 8:30 a.m. Should more than fifty (50) cases be noted for argument on the morning docket, those in excess of fifty (50) shall automatically be scheduled to be heard on the afternoon domestic docket of the same day and the parties shall be notified of such by the Superior Court Clerk?s office. Any case scheduled but not heard on the morning docket shall be heard on the afternoon domestic docket of the same day.

(B) All Benton County family court motions requiring less than ten (10) minutes for argument and all pro se domestic motions, except for motions regarding relocation, shall be heard on the afternoon domestic relations docket which starts at 1:30 p.m.

(C) Benton County relocation motions shall be heard on the Prosser domestic docket.

(2) Declarations (Benton and Franklin Counties).

(A) Generally. Absent prior authorization from the court, the entirety of all declarations and affidavits from the parties and any non-expert witness in support of motions, including any reply, shall be limited to a sum total of twenty-five (25) pages, excluding cover page and fax transmittal affidavit. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum total of 20 pages. All declarations and affidavits must be legibly hand-printed or typed in at least ten (10) point type. Authorization to exceed the declaration page limitation shall be in writing and filed under the respective cause number in the Superior Court Clerk?s office.

(B) Exhibits. Exhibits that consist of declarations or affidavits of parties or witnesses shall count towards the above page limit. All other exhibits attached to a declaration or affidavit shall not be counted toward the page limit.

(C) Financial declarations. Financial declarations and financial documents do not count toward the page limit.

(D) Expert reports and evaluations. Declarations, affidavits, and reports from Court Appointed Special Advocates, Family Court Services, police reports, guardians ad litem and expert witnesses do not count toward the page limit.

(D) Miscellaneous exceptions. Copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience to the court in lieu of the court file do not count toward the page limit. Deposition excerpts do not count toward the page limitation.

(3) Time for Argument.

(A) Each side on the over-ten family Court motion docket is allowed seven (7) minutes for oral argument including rebuttal unless otherwise authorized by the court. Authorization to exceed the oral argument time limit by up to four minutes may be granted if the court determines that exceptional circumstances warrant authorization. Such authorization must be obtained prior to commencement of the docket.

Each side on the regular domestic docket is allowed five (5) minutes for oral argument including rebuttal.

(Adopted Effective September 1, 2007.)

Local Civil Rule 95.00W
DOMESTIC RELATIONS WAIVER OF AGE TO MARRY

Applications for waiver of minimum age to marry shall be made through the Juvenile Department of the Superior Court. Application shall contain such information and supporting documentation as may be prescribed by the Director of Juvenile Court. Before Court hearing, applicants must give evidence of completion of a program of premarital counseling by a licensed counselor, a counseling agency, or their rabbi, priest or minister, together with such counselor's recommendation, and shall be interviewed by a probation counselor of the Juvenile Department who may offer recommendations to the Court. [Adopted Effective April 1, 1986]

Local Civil Rule 96.00W
CHANGE OF NAME OF STEPCHILD

When a change of name to that of the stepfather is sought for a child under eighteen (18) years of age, notice must be given to the natural father in the manner of giving notice to a non-consenting parent in an adoption, and in addition, written consent will be required of any child over fourteen (14) years of age.

[Adopted Effective April 1, 1986]

Local Guardian Ad Litem Rule 1
SCOPE

(a) This rule covers the maintenance and administration of the Guardian ad Litem Registries maintained by the Superior Court Administrator's office pursuant to RCW 4.08.060 as amended, RCW 8.25.270 as amended, RCW 11.88.090 as amended, Superior Court Guardian ad Litem Rules GALR as amended, and RCW 26.12 as amended. (The Guardian ad Litem Registry for dependency cases pursuant to RCW 13.34 is maintained and administered by the Juvenile Court Administrator's office).

(b) These rules shall be supplemented by administrative rules and polices adopted by the Court. [Adopted effective September 1, 2003]

Local Guardian Ad Litem Rule 2
Registry Administration

(a) The Court shall maintain and administer Guardian ad Litem registries for Adoption, Guardianship, and Family Law. These registries shall not include Juvenile Court Guardians ad Litem, or Court Appointed Special Advocates, which shall continue to be administered independently by their respective programs. These requirements and procedures also apply to persons not listed on a registry who are appointed to serve as a Guardian ad Litem in a field for which there is a registry.

(b) The Court shall maintain a completed application form, and background information records pertaining to each person on a registry. Persons listed on a registry or registries shall reapply and update background information annually on a date specified for each registry. All application and background information, with the exception of personal identifying information in family law cases, and pending complaints, shall be available for public inspection.

(c) Persons shall be selected to serve on each registry at the discretion of the Court giving due consideration to: (a) having a sufficient number of Guardians ad Litem available to fulfill the requests for appointment; (b) achieving and maintaining a high level of knowledge, skill and competence within each given field. In some cases there may be more qualified applicants than will be needed or would benefit the program, so that not all persons applying will be selected.

(d) The Court may sponsor or approve training which registry applicants shall be required to attend to maintain and improve their level of proficiency. Title 11 Guardian ad Litem registry applicants must complete any training required by RCW 11.88.090 prior to placement of the applicant's name on the

guardianship registry.

(e) Each registry may be reconstituted periodically after an open application period has been publicly announced. The Court may allow additional applicants to be added to a registry periodically.

(f) The Court may impose an application fee and/or charge a fee for the training programs. [Adopted effective September 1, 2003, September 1, 2004]

Local Guardian Ad Litem Rule 5
APPOINTMENT OF GUARDIAN AD LITEM

(a) Equitable Distribution of Workload/Appointment of Guardian ad Litem from registry.

(1) Adoption Registry

(A) Any person listed on the Adoption registry may be appointed upon stipulation of the parties and agreement of the Guardian ad Litem to accept the case.

(B) Absent a stipulation to a particular person listed on the registry, the Court Administrator/or designee shall, upon order of the Court, appoint a Guardian ad Litem from the registry on a rotational basis subject to the Guardian ad Litem's agreement to accept the case.

(2) Guardianship Registry

(A) A party needing an appointment from the Guardianship registry shall provide by e-mail, fax or letter a written request to the Superior Court Administrator's Office, which office shall, except in extraordinary circumstances, appoint as Guardian ad Litem that person whose name next appears on the registry on a rotational basis and meets the requirements of RCW 11.88.090 (3) (a) subject to that person's acceptance of the appointment.

(B) The person appointed by the Court Administrators Office shall serve upon the parties a notice of acceptance and qualifications in conformance with RCW 11.88.090.

(B) Guardian ad Litems appointed pursuant to RCW Title 11 shall be compensated in accordance with the provisions of RCW 11.88.090 and RCW 11.88.097 provided, however, that in the event it is shown by motion supported by affidavit that the county shall be responsible for such costs, the fees shall not exceed $750.00 per case. The affidavit in support of a motion for Court paid fees shall set forth the financial position of the alleged incapacitated person, including assets, potential causes of action, monthly income and monthly expenses. If additional fees beyond the $750.00 are requested such request shall be by a separate motion supported by appropriate affidavits. The order authorizing disbursal of County funds shall provide that those fees shall be reimbursed to the County in the event the estate obtains, within a reasonable period of time, sufficient assets.

(D) Should any person appointed herein fail to accept such appointment more than twice in a calendar year, or fail to accept a County pay appointment if the Guardian ad Litem is selected on the rotational registry, such persons name will be deleted from the registry at the Court's discretion.

(3) Family Law (Title 26) Registry

Guardians ad Litem appointed pursuant to RCW Title 26 shall be appointed in the following manner:

(A) Upon either the motion of the Court or a party to an action and subsequent decision of the Court to appoint a Guardian ad Litem, each party to the action shall be provided with a list of three names from the registry along with background information as specified in RCW 26.12.175(3), including their

hourly rate for services. Each party may, within three (3) judicial days, strike one name from the list. If more than one name remains on the list, the Court shall appoint the first named Guardian ad Litem not stricken by a party. In the event all three names are stricken, the Court shall appoint the alternate named Guardian ad Litem on the list as placed on the list pursuant to section (C) below.

(B) The Superior Court Administrator or his or her designee shall, at such times as is necessary for the orderly conduct of business in the Superior Court or at such times as three or more names are either added or removed from the Guardian ad Litem registry, prepare a number of strike list packets. Strike list packets shall then be placed in each Superior Court Courtroom for use during Court sessions upon direction of the Court ordering the appointment of a Guardian ad Litem in a case.

(C) Said strike list packets shall be prepared by randomly selecting three names from the registry in such a manner as to ensure that upon completion of the preparation of the strike list packets each Guardian ad Litem then on the registry shall have their name on an equal number of strike lists.

Additionally, for each strike list packet, one additional name shall be randomly selected as the alternate Guardian ad Litem in such a manner as to ensure that each Guardian ad Litem then on the registry shall have their name listed as the alternate Guardian ad Litem on an equal number of strike lists.

(D) The Court may, for good cause and upon written finding, appoint a specific Guardian ad Litem to a case upon recommendation of the parties. Good cause may include expertise in a particular area, previous appointment of a Guardian ad Litem to the specific case, or such other reason as determined by the Court. The hourly rate for services charged by a Guardian ad Litem does not constitute good cause for the appointment of a specific Guardian ad Litem upon recommendation of the parties.

(b) Procedure to Address Complaints. Complaints by Guardians ad Litem regarding registry or appointment matters shall be made in writing and be addressed to the Administrative Presiding Judge. A copy of the complaint shall be provided to the Court Administrator. The Administrative Presiding Judge shall provide written response to the complainant within 15 business days of receipt of the complaint. [Adopted effective September 1, 2002, Amended effective September 1, 2003, September 1, 2004]

Local Guardian Ad Litem Rule 7
GRIEVANCE PROCEDURE

(a) When the Court Administrator receives a written complaint alleging one of the following:

(1) There has been a violation of the Guardian ad Litem Code of Conduct,
(2) There has been a misrepresentation of his or her qualification to be a Guardian ad Litem, or
(3) Has not met the annual update requirements set forth in policy paragraphs 1.2; or

(b) When the Court Administrator become aware of any reason that would place the suitability of the person to act as Guardian ad Litem in question, including, but not limited to the following:

(1) Breach of confidentiality.
(2) Falsifying information on the application.
(3) Falsifying information in a Court report.
(4) Failure to report abuse of a child.
(5) Ex-parte communication.
(6) Representing the Court in a public forum, without prior approval of the Court.

(7) Violation of state, or local laws, rules of this policy, while a Guardian ad Litem.
(8) Dissemination of Bi-Pen (Bi-County Police Information) records

(c) The Court Administrator/or designee shall seek a written response from the Guardian ad Litem only upon findings by the Court Administrator/or designee that a response is necessary. Should a response from the Guardian ad Litem be requested and upon receipt of the response, the Court Administrator/or designee will forward the complaint, and the response to the Presiding Judge, or his or her designee(s). The Guardian ad Litem shall be notified of any decision to suspend or remove the Guardian ad Litem from a registry. A Guardian ad Litem seeking reconsideration of the decision shall do so in writing to the Superior Court Administrator/or designee, who shall forward the request, and other documents to the Presiding Judge, or his or her designee(s). At the discretion of the Presiding Judge, or his or her designee(s), the Guardian ad Litem's participation in the registry may be suspended pending resolution of the complaint. The Guardian ad Litem shall be notified in writing of the final decision of the Court.

(d) The Court's decision may deny a person listing on, or may temporarily suspend from, or permanently removed from, the registry for any reason that places the suitability of the person to act as a Guardian ad Litem in question.

(e) A Guardian ad Litem who ceases to be on the registry, and who still has active or incomplete cases shall immediately report this circumstance to the Superior Court Administrator/or designee who will reassign such cases. [Adopted effective September 1, 2002, amended September 1, 2003]

Local Mandatory Arbitration Rule 1.1
APPLICATION OF RULES

The purpose of mandatory arbitration of civil actions under RCW 7.06 as implemented by the Mandatory Arbitration Rules is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims not exceeding fifty thousand dollars ($50,000). The Mandatory Arbitration Rules as supplemented by these local rules are not designed to address every question which may arise during the arbitration process and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to be informal and expeditious, consistent with the purpose of the statute and rules.

[Adopted Effective September 1, 1996; Amended Effective March 1, 1997, September 1, 2003, January 1, 2006]

Local Mandatory Arbitration Rule 1.2
MATTERS SUBJECT TO ARBITRATION

By implementation of these rules the Superior Court of Washington for Benton and Franklin Counties authorizes mandatory arbitration under RCW 7.06.010, and approves such arbitration in civil actions in which no party asserts, on the party's own behalf, a claim in excess of fifty thousand dollars ($50,000) exclusive of interest, attorney's fees, and costs under RCW 7.06.020 as amended.

[Adopted Effective September 1, 1996; Amended Effective March 1, 1997, January 1, 2006]

Local Mandatory Arbitration Rule 2.1
TRANSFER TO ARBITRATION

(a) Statement of Arbitrability. In every civil case, following the commencement of the action, but no later than the date set forth in the case schedule order pursuant to LCR 4 or for cases filed on or before December 31, 2000 where no case schedule order has been issued, no later than sixty (60) days prior to a properly noted and set trial, any party may, upon the form prescribed by the court and maintained in the Court Administrator's Office, complete a statement of arbitrability. The statement of arbitrability shall be filed in the superior court clerk's office and a duplicate copy delivered to the court administrator's office and the opposing party or parties. A party failing to file and serve a statement of arbitrability within the time prescribed shall be deemed to have waived arbitration, and may subject the matter to mandatory arbitration thereafter only upon leave of the court for good cause shown.

(b) Response to Statement of Arbitrability. Any party disagreeing with the statement of arbitrability shall serve and file a response on the form prescribed by the Court and maintained in the Court Administrator's Office. A duplicate copy of the response shall be delivered to the court administrator. In the absence of such a response, the statement of arbitrability shall be deemed correct. Any response opposing the statement of arbitrability shall be filed within 10 court days after receipt of the statement of arbitrability. A notice of issue shall be filed with any response objecting to the statement of arbitrability, noting the matter for hearing on the issue of arbitrability within 10 court days of filing the response.

(c) Failure to File -- Amendments. A person failing to serve and file an original response within the times prescribed may later do so only upon leave of the court. A party may amend a statement of arbitrability or response at any time before assignment of an arbitrator or assignment of a trial date, and thereafter only upon leave of the court for good cause shown.

(d) When Transfer to Arbitration Occurs for Purposes of Application of Local Rules. The case is transferred to arbitration upon the filing of a statement of arbitrability indicating that the case is subject to arbitration unless an objection to arbitration of the case is received within the time limits found in LMAR 2.1(b). This transfer shall also trigger the restriction on discovery contained in MAR 4.2 and LMAR 4.2.

(e) Civil Case Schedule Order Stricken. Any civil case schedule order entered in an action pursuant to LCR 4 shall be stricken upon the filing of a statement of arbitrability unless an objection to arbitration of the case is received within the time limits found in LMAR 2.1(b) in which event the civil case schedule order shall be stricken upon issuance of an order directing the case to mandatory arbitration following a hearing on the objection.

[Adopted Effective September 1, 1996; Amended Effective September 1, 1998; September 1, 1999; September 1, 2002. September 1, 2003]

Local Mandatory Arbitration Rule 2.3
ASSIGNMENT TO ARBITRATOR

(a) Generally; Stipulations. When a case is transferred to arbitration, but not less than ninety (90) days following filing and service on all parties subject to arbitration, a list of five proposed arbitrators will be furnished to all parties. A master list of arbitrators will be made available upon request. The parties are encouraged to stipulate to an arbitrator. In the absence of a stipulation, the arbitrator will be chosen from among the five proposed arbitrators in the manner defined by this

rule. If the parties stipulate to an arbitrator who is not one of the five proposed arbitrators, they must obtain the arbitrator's consent to appointment prior to submitting the stipulation to the Court.

(b) Response by Parties. Each party may, within 10 court days of the date mailed by the court, after a list of proposed arbitrators is furnished to the parties, nominate one or two arbitrators and strike one or two arbitrators from the list. If both parties respond, an arbitrator nominated by both parties will be appointed. If no arbitrator is nominated by both parties, the court administrator will randomly appoint an arbitrator from among those not stricken by either party.

(c) Response by Only One Party. If only one party responds within 10 court days of the date mailed by the court, the court administrator will appoint an arbitrator nominated by that party.

(d) No Response. If neither party responds within 10 court days of the date mailed by the court, the court administrator will randomly select and appoint one of the five proposed arbitrators.

(e) Additional Arbitrators for Additional Parties. If there are more than two adverse parties, at least two additional proposed arbitrators shall be added to the list with the above principles of selection to be applied. The number of adverse parties shall be determined by the court administrator, subject to review by a superior court judge.

(f) List of Proposed Arbitrators. Parties do not have to serve choices upon each other and the court administrator must keep selections confidential. The court administrator must retain returned lists of proposed arbitrators until the time for appeal has expired or a request for trial de novo is received, whichever is sooner.

[Adopted Effective September 1, 1996: Amended Effective September 1, 1998, September 1, 2006]

Local Mandatory Arbitration Rule 3.1
QUALIFICATIONS OF ARBITRATORS

(a) Arbitration Panel. There shall be a panel of arbitrators in such numbers as the administrative committee may from time to time determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the Court. A list showing the names of arbitrators available to hear cases and the information sheets will be available for public inspection in the court administrator's office. The oath of office on the form prescribed by the Court must be completed and filed prior to an applicant being placed on the panel.

(b) Qualification. Unless otherwise stipulated, an arbitrator must be a member of the Washington State Bar for 5 years or a retired judge.

(c) Refusal; Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the court administrator within three court days of receipt of the notice of appointment if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias or prejudice set forth in CJC Canon 3(c) governing the disqualification of Judges. If disqualified, the arbitrator must immediately return all materials in a case to the court administrator. A party may challenge the qualifications of an arbitrator by motion to the Court if the motion is made within 10 court days of the appointment of the arbitrator.

[Adopted Effective September 1, 1996, September 1, 2003]

Local Mandatory Arbitration Rule 3.2
AUTHORITY OF ARBITRATORS

(a) Authority. An arbitrator has the authority to:

(1) Determine the time, place, and procedure to present a motion before the arbitrator.
(2) Require a party and/or attorney to pay the reasonable expenses, including attorney fees, caused by the failure of such party and/or attorney to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the clerk of the superior court, with proof of service on each party. The aggrieved party shall have 10 days thereafter to appeal the award of such expense in accordance with the procedure described in RCW 2.24.050. If, within 10 days after the award is filed no party appeals, a judgment shall be entered in the manner described generally under MAR 6.3.
(3) Award attorney fees, as authorized by these rules, by contract, or by law.
(4) Determine the time and place for the arbitration hearing.

(b) Motions. All motions shall be presented to the arbitrator, unless a) arbitrability is at issue, b) assignment of arbitrator is disputed, c) motion is for involuntary dismissal, d) motion is for summary judgment, e) motion is for failure to state a cause of action, or f) motion is to add or change parties.

(c) Immunity. Arbitrators shall have immunity to the same extent as provided for superior court judges in Washington State.

[Adopted Effective September 1, 1996]

Local Mandatory Arbitration Rule 4.2
DISCOVERY

(a) Additional Discovery. In determining when additional discovery beyond that directly authorized by MAR 4.2 is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise which may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the Superior Court Civil Rules, except motions concerning discovery shall be determined by the arbitrator. Discovery pending when a case is transferred to arbitration is stayed except on stipulation of the parties. All discovery admissible under the Superior Court Civil Rules and Washington Rules of Evidence is admissible at arbitration, whether produced before or after the appointment of the arbitrator.

(b) Notwithstanding the Foregoing. The following interrogatories may be submitted to any party:

(1) State the amount of general damages being claimed;

(2) State each item of special damages being claimed and the amount thereof;

(3) List the name, address, and telephone number of each person having knowledge of any facts regarding liability;

(4) List the name, address, and telephone number of each person having knowledge of any facts regarding the damage

claimed;

(5) List the name, address, and telephone number of each expert witness you intend to call at the arbitration hearing. For each expert, state the subject matter on which the expert is expected to testify; state the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion.

(6) If you are claiming bodily injury damages, please describe your present physical condition as the same relates to the incident giving rise to your complaint and being specific as to the area(s) of your body you claim was injured.

(7) If you are claiming bodily injury damages, please list the name, address, and telephone number of each and every health care provider with whom you treated, consulted with, or were examined by: (a) in the ten (10) years preceding the incident giving rise to your complaint; and (b) from the date of said incident to the present date.

(8) Identify the existence of and the contents of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part of all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment; and any documents affecting coverage (such as denying coverage, extending coverage, or reserving rights) from or on behalf of such person to the covered person or the covered person's representative. For purposes of this section, an application for insurance shall not be treated as part of an insurance agreement. Discovery produced pursuant to this subsection shall not be disclosed to the arbitrator.

Upon request, all records reflecting the treatments, consultations, and examinations must be produced unless the requester is provided a medical authorization sufficient to allow the requester to obtain independent access to said records at his or her own expense. Alternatively, the requesting party may also request records through depositions upon written questions as allowed by CR 31.

Only these interrogatories, with the exact language as set out above, are permitted.

[Adopted Effective September 1, 1996; Amended Effective September 1, 1998, September 1, 2003]

Local Mandatory Arbitration Rule 4.4
NOTICE OF SETTLEMENT

(a) Notice of Settlement. After any settlement that fully resolves all claims against all parties, the plaintiff shall, within 5 days or before the arbitration hearing, whichever is sooner, file and serve a written notice of settlement on the form prescribed by the Court. The notice shall be filed with both the arbitrator and the Court. Where notice cannot be filed with the arbitrator before the arbitration hearing, the plaintiff shall notify the arbitrator of the settlement by telephone prior to the hearing, and the written notice shall be filed and served within five days after the settlement.

(b) Dismissal by the Court. If an order dismissing all claims against all parties is not entered within 60 days after written notice of settlement is filed, or within 60 days after the scheduled arbitration hearing date, whichever is earlier, the court administrator will mail notice to the attorneys of record that the case will be dismissed by the Court for want of prosecution unless, within 10 court days after the mailing, a party makes a written application to the Court, showing good cause why the case should not be dismissed. If good cause is shown, the case may be reinstated to the original arbitrator for an additional 90 days or for such period of time as the Court may designate. If an order dismissing all claims against all parties is not entered during that additional period of time, the court administrator shall issue another notice as described above.

[Adopted Effective September 1, 1996; Amended Effective September 1, 1998]

Local Mandatory Arbitration Rule 5.1
NOTICE OF HEARING

(a) Time For Hearing. The arbitrator shall set the time, date, and place of the hearing and shall give reasonable notice of the hearing date to the parties. Except by stipulation or for good cause shown, the hearing shall be scheduled to take place not sooner than 21 days, nor later than 63 days, from the date of the assignment of the case to the arbitrator, however, in no instance shall the original hearing date be set later than 120 days from the appointment of the arbitrator. The arbitrator may grant a continuance of the hearing date not to exceed 60 days beyond the original hearing date. In the absence of agreement of the parties and arbitrator on the date for any hearing, the arbitrator shall have the authority to set a hearing date over the objection of the parties which is consistent with this rule. Any setting of the original hearing date later than 120 days from the appointment of the arbitrator or any continuance of a hearing date more than 60 days from the original hearing date must be noted on the civil motion docket before the Presiding Judge and will be granted only for good cause shown.

(b) Confirmation of Hearing. Parties must confirm the hearing date with the arbitrator one week prior to hearing. Failure to confirm the hearing with the arbitrator may result in the cancellation of hearing at the arbitrator's discretion. Parties must notify arbitrator of a settlement reached prior to the scheduled hearing date in accordance with LMAR 4.4.

[Adopted Effective September 1, 1996; Amended Effective September 1, 1998, September 1, 2003]

Local Mandatory Arbitration Rule 5.2
PRE-HEARING STATEMENT OF PROOF - DOCUMENT FILED WITH COURT

In addition to the requirements of MAR 5.2, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file which that party deems relevant. The court file shall remain with the county clerk.

[Adopted Effective September 1, 1996]

Local Mandatory Arbitration Rule 6.1
FORM AND CONTENT OF AWARD

(a) Exhibits. All exhibits offered during the hearing shall be returned to the offering parties.

(b) Attorney Fees/Statutory Costs. Any motion for actual attorney fees/statutory costs, whether pursuant to contract, statute, or recognized ground in equity, must be presented to the arbitrator as follows:

(1) Any motion for an award of attorney fees/statutory costs must be submitted to the arbitrator and served on opposing counsel within five court days of receipt of the award. There shall be no extension of this time, unless the moving party makes a request for an extension before the five day period has expired, in writing, and served on both the arbitrator and opposing counsel;

(2) Any response to the motion for attorney fees/statutory costs must be submitted to the arbitrator and served on opposing counsel within five court days after receipt of the motion;

(3) The arbitrator shall render a decision on the motion, in writing, within ten court days after receipt of the motion;

(4) If the arbitrator awards attorney fees/statutory costs, the arbitrator shall file an amended award. If attorney fees are denied, the decision shall be filed and served on the parties;

(5) It is within the arbitrator's discretion to hold a hearing on the issue of attorney fees;

(6) The time for appeal of the arbitrator's decision in any case where attorney fees/statutory costs have been timely requested, as set forth above, shall not run until the service and filing of the amended award, or the denial thereof.

[Adopted Effective September 1, 1996, September 1, 2003, September 1, 2008]

Local Mandatory Arbitration Rule 6.2
FILING OF AWARD

A request by an arbitrator for an extension of the time for the filing of an award under MAR 6.2 may be presented to a superior court judge ex parte. The arbitrator shall give the parties notice of an extension granted.

[Adopted Effective September 1, 1996]

Local Mandatory Arbitration Rule 7.1
REQUEST FOR TRIAL DE NOVO -- CALENDAR -- JURY DEMAND

(a) Assignment of Trial Date. If there is a request for a trial de novo, or the case is otherwise removed from the Mandatory Arbitration calendar, the Court will assign a trial date.

(b) Appeal Period -- Attorney Fees. In any case in which a party makes a motion for attorney fees pursuant to LMAR 6.1 (b), the 20-day period for appeal shall not commence until the arbitrator has filed and served either the amended award or the written denial thereof.

(c) Case Schedule. Cases originally governed by a Case Schedule pursuant to LCR 4, 4.1, or 4.1A will again become subject to a Case Schedule if a trial de novo is requested. Promptly after the request for trial de novo is filed, the Court will mail to all parties a Notice of Trial Date together with an Amended Case Schedule, which will govern the case until the trial de novo. The Amended Case Schedule will include the following deadlines:

SCHEDULE	DUE DATE
1. Plaintiff's Disclosure of Lay and Expert Witnesses	1 months
2. Defendant's Disclosure of Lay and Expert Witnesses	3 months
3. Disclosure of Plaintiff's Rebuttal Witnesses	4 months
4. Disclosure of Defendant's Rebuttal Witnesses	5 months
5. Discovery Cutoff (60 days prior to trial)	5 ½ months
6. Settlement Position Statement filed by all parties; last date for filing Statement of Arbitrability	6 months
7. Last Date for Hearing Dispositive Pretrial Motions	6 months
8. Settlement Conference .	6 ½ months
9. Last Date for Filing and Serving Trial Management Report	7 months
10. Pretrial conference	7 months
11. Trial Memoranda, Motions in Limine, Jury Instructions	2 wks. to trial

12. Trial Date	8 months

(d) Jury Demand. The appealing party may file and serve on the other party or parties a jury demand at the same time as the request for a trial de novo. The non-appealing party shall have 14 calendar days after the request for the trial de novo is served on that party to file a jury demand.

(e) Award to be Sealed. The clerk shall seal any award if a trial de novo is requested.

[Adopted Effective September 1, 1996; Amended Effective September 1, 1998; September 1, 2000, September 1, 2003]

Local Mandatory Arbitration Rule 8.3
EFFECTIVE DATE

Contingent upon funding by the county legislative authority, these rules, as amended, become effective on the first day of January 1997, subject to amendment thereafter. With respect to civil cases pending on that date, if the case has not at that time received a trial date, or if the trial date has been set for later than the first day of April, 1997, any party may serve and file a statement of arbitrability indicating that the case is subject to mandatory arbitration in accordance with the provisions of LMAR 2.1 (a). If, within 10 court days, no party files a response indicating that the case is not subject to arbitration in accordance with the provisions of LMAR 2.1 (b), the case will be transferred to the arbitration calendar. A case set for trial earlier than the first day of April, 1997, will be transferred to arbitration only by stipulation of all parties.

[Adopted Effective September 1, 1996, September 1, 2003]

Local Mandatory Arbitration Rule 8.4
TITLE AND CITATION

These rules are known and cited as the Benton and Franklin Counties Superior Court Local Mandatory Arbitration Rules. LMAR is the official abbreviation.

[Adopted Effective September 1, 1996]

Local Mandatory Arbitration Rule 8.6
COMPENSATION OF ARBITRATOR

(a) Generally. Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the superior court; provided, however, that said compensation shall not exceed $500.00 for any case unless approved by the judge assigned to the arbitration administrative committee. Compensation may be requested for hearing time and reasonable preparation time. Arbitrators may be reimbursed a sum not to exceed $25.00 for costs incurred.

(b) Form. When the award is filed, the arbitrator shall submit to the court administrator a request for payment on a form prescribed by the court.

[Adopted Effective September 1, 1996]

Local Mandatory Arbitration Rule 8.7
ADMINISTRATION

(a) Court Administrator. The court administrator, under the supervision of the court, shall implement the procedures mandated by these rules and perform any additional duties which may be designated by the court.

(b) Administrative Committee. There shall be an administrative committee composed of a superior court judge, the superior court administrator, two members of the Washington State Bar Association, chosen by the Benton-Franklin Counties Bar Association, and a representative from each of the superior court clerk's offices.

(c) Administrative Committee -- Duties. The administrative committee shall have the power and duty to:

(1) Select its chairperson and provide for its procedures;
(2) Select and appoint the panel of arbitrators;
(3) Remove a person from the panel of arbitrators;
(4) Establish procedures for selecting an arbitrator not inconsistent with the Mandatory Arbitration Rules or these rules, and;
(5) Review the administration and operation of the arbitration program periodically and make recommendations as it deems appropriate to improve the program.

[Adopted Effective September 1, 1996]

Local Criminal Rule 2.3
REVIEW OF SEALED AFFIDAVITS AND SEARCH WARRANTS

(a) Review. The court may review orders sealing search warrants and/or affidavits insupport thereof at any time upon the request of the prosecuting attorney or upon motion of the court.

(b) Notice to and Response from Prosecuting Attorney. In each case in which the court reviews a previously entered order sealing a search warrant and/or affidavit in support thereof, the prosecuting attorney will be provided at least 14 days prior written notice of such review. Prior to such review the prosecuting attorney may submit to the court a memorandum generally setting forth the state's position with regard to unsealing all portions of or none of the sealed affidavit and/or search warrant.

(c) Filing of Responsive Memoranda. The original of any memorandum submitted pursuant to subsection (b) will be filed, unsealed, with the order sealing the affidavit and/or search warrant, and the prosecuting attorney will provide a bench copy to the court. The court will consider any requests by the state to seal all or portions of any affidavits or declarations filed in support of the state's memorandum, and, if granted, enter an appropriate order.

(d) Order on Review. After considering the state's position and reviewing in camera the order and the affidavit and/or search warrant sealed pursuant thereto, the court will enter an order that (a) the affidavit and/or search warrant continue to be sealed as previously ordered, (b) designated portions of the affidavit and/or search warrant continue to be sealed and that the remainder thereof be unsealed, or (c) the affidavit and/or search warrant be unsealed.

[Adopted Effective September 1, 2004]

Local Criminal Rule 3.1
RIGHT TO AND ASSIGNMENT OF COUNSEL

(a) Appointment of Counsel. Defendants who request appointment of counsel may be required to promptly execute a financial disclosure under oath, which shall be filed.

All appointments of counsel by reason of indigence are expressly contingent upon indigence and full disclosure of assets. Where assets are discovered or acquired subsequent to appointment which would indicate that defendant can afford counsel, or if the defendant can afford part payment, fees may be ordered paid, pursuant to the appointment agreement, by the Court.

Upon appointment of counsel for indigent criminal defendants or other litigants, the clerk shall promptly provide counsel with notice of the appointment.

Attorneys representing defendants in criminal cases, except for appointed attorneys, must serve prompt written notice of their appearance upon the prosecuting attorney and file the same with the Clerk of the Court.

Whenever an attorney appears for a defendant in a criminal case at arraignment, the appearance shall be unconditional. No appearance shall be conditioned on payment of fees or for any other reason.

(b) Upon Appeal. In cases involving appeals from another court to the Superior Court in which the defendant wishes counsel to be appointed in the Superior court on the basis of indigence, the following will apply:

(1) The trial attorney shall be responsible for:

(A) Perfecting the appeal to the Superior Court.

(B) Noting the issue of appointment of counsel upon the next criminal motion docket following the perfection of the appeal.

(C) Preparing an affidavit of indigence.

(D) Representing the defendant at such hearing.

(2) The defendant shall be present at the hearing upon the motion to establish indigence.

[Adopted Effective April 1, 1986, September 1, 2003]

Local Criminal Rule 3.2
RELEASE OF ACCUSED

(a) Bail and Recognizance. Defendants on bail or recognizance are expected to be available for nonscheduled appearances upon seventy-two (72) hours notice to defendant or defendant's attorney. They are expected to be present and on time at all scheduled appearances concerning which they have received either oral or written notice. Failure to appear in accordance with this rule may result in forfeiture of bail, revocation of recognizance, issuance of a bench warrant for arrest or additional criminal charges.

(b) New Conditions of Release. In the event that bail if forfeited for any reason, new conditions of release must be entered and a new bond posted. No order reinstating a previously forfeited bond shall be issued by the court; however, the court may, for good cause shown, vacate the judgment of forfeiture.

(c) Separate Bond Required. All case filings wherein conditions

of release requiring bail are set shall require a separate and distinct bond posted by the surety in the specific amount specified for each case. A bond in the aggregate amount for multiple cases will not be allowed nor shall any order be presented to the court that fails to specify the exact amount of bail for each matter addressed in the order.

(d) Post-Conviction Release. No plea of guilty shall be conditioned upon any agreement concerning the conditions of release provided for in CrR 3.2(f).

[Adopted Effective April 1, 1986, September 1, 2004]

Local Criminal Rule 3.4
COURT APPEARANCE OF DEFENDANTS

All preliminary and timely arrangements for the court appearance of any defendant held in custody shall be the responsibility of the Prosecutor in charge of the case.

[Adopted Effective April 1, 1986]

Local Criminal Rule 4.2
PLEAS AND CONTINUANCES

(a) When Heard. If a criminal case is set for trial, but is to be disposed of by a change of plea, the plea shall be heard on or before the pre-trial hearing unless the court authorizes a continuance until a later date.

(b) Court Commissioners. Superior Court Commissioners appointed under Article 4, Section 23 of the Washington State Constitution are authorized to accept and enter a plea of guilty.

[Adopted Effective April 1, 1986; Amended September 1, 2000, September 1, 2003]

Local Criminal Rule 4.5
OMNIBUS HEARINGS

In every criminal case (except appeals) an omnibus hearing date will be set at the time of arraignment. Normally, it will be set for four (4) weeks from the date of arraignment. At the time of the hearing, it will be expected that defense counsel and Prosecuting Attorney will have already met and disposed of all matters on the omnibus application that can be disposed of and that plea bargaining will have been considered.

If there are any unresolved matters, they will be determined by the Court at the hearing. If it is necessary to hold a suppression hearing, a date certain will be set for such hearing at the time of the omnibus hearing. The defendant shall be present at the omnibus hearing.

If there will be no pre-trial motions or hearings in a case, and all parties agree that an omnibus hearing would not be beneficial, waiver of the hearing may be requested by written stipulation which shall be signed by counsel and defendant. Such a request constitutes an assurance that the case is ready for trial on the date set and that all pre-trial matters have been disposed of.

All rulings of the Court at omnibus hearings or otherwise made in the Criminal Motion Department shall be binding on the parties and shall not be re-litigated at trial.

[Adopted Effective April 1, 1986]

Local Criminal Rule 4.9
PRE-TRIAL HEARINGS

In every criminal case, a hearing shall be held for the purpose of determining whether the parties have fully considered the possibility of disposition of the case without trial; for the purpose of entering a plea should a plea be tendered; for considering the matter of requests for continuance; and for any other appropriate matters.

Such hearing shall be mandatory and the defendant's presence at such hearing shall be mandatory.

The hearing shall be set on the criminal law and motion docket next preceding the trial date. It shall be the responsibility of each defense attorney, upon receipt of the notice of the trial date, to notify the defendant of this hearing. The failure of the defendant to be present at such hearing (unless the case has been previously disposed of) will result in the revocation of bail or personal recognizance and the issuance of a bench warrant for the defendant's arrest. It may also result in the imposition of the sanctions set forth in CrR 3.3(f).

[Adopted Effective April 1, 1986]

Local Criminal Rule 4.11
TRIAL CONFIRMATION

Prosecuting attorneys and defense counsel shall confirm with the Court Administrator's office all criminal jury trials in Benton County no later than 4:00 p.m. on the Thursday prior to the trial date and in Franklin County no later than 3:00 p.m. on the Tuesday prior to the trial date. [Adopted effective September 1, 2005]

Local Criminal Rule 7.1
PROCEDURE BEFORE SENTENCING

A defendant convicted of a crime shall be sentenced as soon thereafter as possible, consistent with the necessity for securing a pre-sentence report and related diagnostic evaluations, where appropriate. In no case will any order be entered which has the effect of delaying sentencing pending the initiation or completion of a rehabilitative treatment program (as distinguished from a diagnostic evaluation).

[Adopted Effective April 1, 1986, September 1, 2003]

Local Criminal Rule 7.2
SENTENCING

(e) Pre-Sentence Reports. Pre-sentence reports may be ordered by the Court from one or more of the following sources:

(1) The Washington State Office of Adult Probation and Parole.
(2) The Prosecuting Attorney and defense counsel.

All pre-sentence reports should present alternatives to incarceration in those cases in which it may appear that the public security can be accomplished and the defendant's behavior altered by such an alternative.

All pre-sentence reports should indicate the loss or injury to the victim by description and in dollar amounts where applicable.

Immediately upon the Court's ordering of a pre-sentence investigation, the clerk shall notify the Washington State Office of Adult Probation and Parole. [Adopted Effective April 1, 1986]

Local Criminal Rule 8.1
JUSTIFICATION OF SURETIES

(a) Bail Bonds. Any person or corporation desiring to post bail bonds in the Superior Court of Benton County or Franklin County shall first obtain an Order of Justification pursuant to the requirements of RCW 19.72.040.

(b) Justification. All petitions for an Order of Justification shall be in writing, comply with the provisions of GR 14, and be filed with the applicable County Clerk. If the petitioner seeks to post bail bonds in both Benton and Franklin County Superior Courts, and Order of Justification must be obtained from each such court. The Petition shall be accompanied by the requisite fee required for filing a civil action and the applicable County clerk shall assign said action a civil cause number. The Petition shall contain the following information:

(1) ALL SURETIES.

(A) Types of Bonds. A listing of all the types of bonds currently posted by the surety.

(B) Current Suretyship Obligations. A current list of all suretyship obligations to all courts within the geographical limits of the Washington State, including the name of the court, the name of the defendant, the amount of the bond, and the date issued.

(C) Current Bond Foreclosures. A list of the current obligations to the courts by way of bond forfeitures or other obligations incurred by the surety which have not been paid, or a verified statement that there are none.

(D) Presentation. The identify and addresses of all persons who will be delivering or presenting bonds on behalf of the bonding surety.

(E) Washington State Tax Certificate. A current copy of a Washington State Tax Certificate.

(F) Ownership. Identify the names, addresses and dates of birth of all persons, partnerships or corporations having any ownership interest in the bonding company, or any interest in its profits.

(G) Jurisdictions of Operation. A list identifying any and all jurisdictions
where the surety has been authorized and/or denied authorization to write or present bonds.

(H) Licensing of Operation. A copy of the license of the agency and all agents authorized to conduct business on behalf of the agency, issued by the Washington State Department of Licensing with the expiration date of the license.

(I) Mailing Address. Current mailing address and daytime telephone number for the applying agency.

(2) CORPORATIONS.

(A) Power of Attorney.

(i) Names of the agents authorized to execute bonds on behalf of the surety.

(ii) The maximum dollar amount of any single bond which each agent is authorized to execute.

(B) Certificate of Authority. A copy of the current Certificate of Authority issued by the Washington State Insurance Commissioner.

(C) Resident Corporate Agent.

(i) The name and resident agent(s) for the corporate surety in the State of Washington authorized to appear and accept service on behalf of the corporate surety.

(ii) A copy of the power of attorney appointing said person(s) as resident agent(s).

(D) Verified Financial Statement. A copy of the most recently published financial statement of the corporate surety.

(E) Certificate of Authority-Federal Bonds. A verified statement indicating whether the corporate surety has a current certificate of authority to do business with the United States as a surety on recognizances, stipulations, bonds, or other undertakings pursuant to 31 U.S.C. 9310, et. seq., and 31 C.F.R. 223. If so, provide sufficient identifying information to allow confirmation of said assertion.

(3) INDIVIDUALS.

(A) Individual name(s) of applicant(s).

(B) Any aliases used by the applicant(s).

(C) Resident address of individual applicant(s).

(D) Business address of individual applicant(s).

(E) MARITAL STATUS: Marital status of applicant(s) and, if applicable, names(s) of spouse(s).

(F) FINANCIAL STATEMENT: Verified financial statement, including the following for real property assets: Street address and legal description of property, current appraisal of the property by a qualified real estate appraiser, who is a member of the American Institute of Appraisers, or a statement by the appraiser that there has been no change in the value of the property since the last appraisal of the property, whether the real estate is being purchased on contract or subject to mortgage, deed of trust, or other encumbrance, disclose how the property is being obtained, purchase price, unpaid balance, notarized confirmation that real property taxes and all hazard insurance are current and coverage limits. For personal property include all financial accounts, stocks, bonds, cash and other investments.

(G) PROPERTY BOND OBLIGATIONS: A current list of all property bond Obligations in the State of Washington by name of Court, name of defendant, amount of bond and date of issuance of bond.

(H) DRIVER'S LICENSE: Driver's license number, state, and expiration date.

(I) CRIMINAL HISTORY: Provide any criminal history conviction information for each applicant or employee of applicant who will be performing services hereunder, including name of crime convicted of committing, name of court, case number, date of offense and date of conviction.

(c) Effective. All Petitions for Order of Justification shall be effective for a period of one year from the initial filing date. All Petitions shall be accompanied by a proposed Order of Justification. A full filing fee shall accompany an initial Petition. An ex parte fee shall accompany renewal petitions. Petition for Renewals must be

filed on or before the renewal date of the initial Order otherwise a full filing fee shall be due. The Petition for Renewal will have attached a current verified financial statement as well as a complete l isting of all current suretyship obligations within the geographical limits of Washington State, including the name of the court, the name of the defendant, the amount of the bond and the date issues.

[Adopted Effective September 1, 2004, Amended Effective September 1, 2006]

Local Juvenile Court Rule 1.1
SCOPE OF RULES, PURPOSE OF RULES, EFFECTIVE DATE, AMENDMENTS

(A) Scope. These local rules relate to the procedure in the Juvenile Court of Benton and Franklin Counties and shall supplement the State Superior Juvenile Court Rules. These rules shall also govern the policy and administration of the Juvenile Court.

(B) Purpose. The express purpose of the local rules is to develop standardized policy and procedures to ensure the fair and efficient operation of the Benton-Franklin Juvenile Division of the Superior Court of the State of Washington in Benton and Franklin County.

(C) Effective Date. These rules shall take effect on the 1st day of April 1988. All previous existing local Juvenile Court rules are hereby superseded and declared void by the adoption of these rules.

(D) Amendments. The Judges of the Benton-Franklin County Superior Court may from time to time amend these rules.

[Adopted effective April 1, 1988, amended effective September 1, 2003]

Local Juvenile Court Rule 1.6
JUVENILE COURT ADMINISTRATOR DUTIES AND AUTHORITY

(A) Juvenile Court Administrator

1. In accordance with RCW 13.04.035, the Juvenile Court will be directed by an Administrator who is appointed by the Judges of the Superior Court and shall serve at their pleasure.

2. The Administrator shall direct the Juvenile Court in accordance with the policies and rules of the Judges and shall be directly responsible to the presiding Juvenile Court Judge for all departmental operations and for the carrying out of court rules and policies.

3. The Administrator shall establish written departmental rules and procedures to carry out the statutory duties of the court and to comply with court rules and policy. Such written rules and procedures shall be approved by the Superior Court Judges.

4. In accordance with RCW 13.04.040, the Administrator shall appoint probation counselors who shall serve at the pleasure of the Administrator. The Administrator may also designate a Deputy Administrator subject to concurrence of the Judges.

5. The Administrator shall have the authority to organize the personnel of the department as the Administrator may deem appropriate for the carrying out of the statutory duties of the court and to comply with court rules and policy.

6. The Administrator shall have the authority to administer the approved budget of the department, to contract for expenditures, and authorize payment in accordance with state law and county policy. All contracts are subject to review as to form by the respective County Prosecuting Attorney.

7. The Administrator shall have the authority to establish written working agreements with other agencies in regard to the carrying out of the statutory work of the court. Such written working agreements are subject to review as to form by the respective County Prosecuting Attorney.

8. The Administrator shall, in accordance with RCW 13.04.037, adopt written standards for the regulation and government of the juvenile detention facility and services and shall appoint a detention counselor who shall have charge of the detention facility and shall be responsible to the Administrator for compliance with the adopted detention standards. Such standards shall be reviewed and the detention facilities shall be inspected annually by the Administrator.

9. The Administrator shall establish written departmental rules concerning the assignment and use of all equipment, including all motor vehicles registered or assigned to the Juvenile Court to ensure the equipment is being used for the business of the court and in accordance with state law and county policy.

10. The Administrator shall establish written rules regarding employee working hours and conditions. The Administrator may authorize or prescribe deviations from the normal workday as the business of the court or department may require. The Administrator shall represent the court in any negotiations with employees regarding working conditions, hours and rules.

11. The Administrator shall establish written rules for employee discipline, which may include, but are not limited to, verbal and/or written reprimand, suspension without pay or termination, in accordance with state law and county policy.

12. The Administrator in conjunction with an ad hoc committee comprise of one (1) panel attorney, the prosecuting attorneys or one (1) deputy prosecuting attorney from each county, one (1) attorney from the local Washington State Attorney General Office, a representative from the court's legal process unit and the juvenile court commissioner shall annually review the Juvenile Court policy and rules, the departmental rules and procedures, and the detention standards and facilities and shall prepare and present a written annual report to the Superior Court Judges.

13. The Administrator shall establish and maintain a central record keeping system. Written rules and procedures shall be established governing the record keeping system. Such rules and procedures shall be subject to review by the Judges. Such record keeping system may be computerized.

14. The Administrator shall prepare annually a plan for the Juvenile court, which shall include a proposed budget for the next calendar year.

15. The Administrator shall perform such other duties as required by the Judges.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 1.7
COURT FORMS

(A) Generally. It shall be the policy of the court to use standardized court forms whenever possible.

(B) Review. All court forms shall be subject to review by the Judges and Court Commissioners.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 1.8
PUBLICATION

(A) Generally. Any party may file with the Clerk of the Court a Motion and Affidavit requesting an Order for the publication of Notice and/or Summons.

(B) Procedure. Upon the issuing of an Order to publish with the Clerk of Court, the Clerk shall contact the appropriate newspaper and forward the necessary documents for publication.
1. Upon receipt of an Affidavit of Publication, the Clerk shall file the original affidavit and provide copies to appropriate parties.

(C) Costs. The costs of publication shall be borne by the county.

1. Nothing in this Rule shall prevent the court from ordering a party to reimburse the county for the costs of publication.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 1.9
CONTINUANCES

(A) Generally. Continuances or other delays may be granted only as follows:

1. Upon written agreement of the parties, which must be personally signed by counsel representing all the parties and must be approved by the Court.

2. On the motion of a party, the court may continue a juvenile offender matter when required in the due administration of justice and none of the parties to the action will be substantially prejudiced in the presentation of their case.

3. On the motion of a party, the court may continue an action pursuant to RCW 13.32A, RCW 13.34, or RCW 13.50 when good cause is established and none of the parties to the action will be substantially prejudiced in the presentation of their case.

4. The court must state its reasons on the record for granting a motion for a continuance.

5. All continuances shall be to a date certain and confirmed by written order.

(B) Trial Dates/Fact-Finding Hearings. All motions for a continuance of a trial date in offender matters or fact-finding hearings pursuant to RCW 13.32A, RCW 13.34 or RCW 13.50 shall be presented in open court by the moving party.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 1.10
ISSUANCE AND SERVICE

(A) Generally.

1. Juvenile offenders and their parent(s), guardian(s), or custodian(s) may be served by mail, postage prepaid. The Clerk of the Court shall be responsible for the mailing of the necessary documents and for the filing of an Affidavit of Mailing. The respective Prosecuting Attorney's office shall be responsible for the preparation of such documents.

   a. Exceptions. The above procedure shall apply to all offender matters except diversion terminations and community supervision violations. In those matters, juvenile court/diversion unit staff shall be responsible for the preparation of the appropriate documents, including the Notice/Summons.

2. Parties to juvenile dependency and Alternative Residential Placement matters may be served by certified mail, return receipt requested. The Clerk of the Court shall be responsible for the filing of an Affidavit of Mailing and the returned receipt. The Attorney General's Office shall be responsible for preparing the appropriate documents for dependency matters. Juvenile Court staff shall assist in the preparation of Alternative Residential Placement pleadings.

(B) Failure to Appear on Summons -- Offender Matters.

1. If a person fails to appear in response to a Notice/Summons, or if service is not effected within a reasonable time, a warrant for arrest shall be issued. A reasonable time to effect service shall be defined as service within ten (10) days of the filing of the information.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 1.11
MEDICAL CONSENT AUTHORIZATION

(A) Generally. A request on behalf of a juvenile for medical authorization shall be submitted in writing. The request shall be in petition form, verified, and shall set forth the following, if known:

1. Full name of the child;
2. Date of birth of the child;
3. Child's place of residence;
4. Name of the child's father;
5. Name of the child's mother;
6. The parent's place of birth;
7. Parent's age;
8. Cultural heritage of the child;
9. Whereabouts of the parents, guardian or custodian;
10. The treatment required;
11. The reason for treatment;
12. The necessity of the authorization by the court;
13. Full names and relationship to the child of the petitioner, and;
14. Any other matter which might be relevant.

(B) Emergency Requests. Emergency requests for medical consent authorization may be made by telephone and telephonically approved by the court. A record of such telephonic authorizations shall be made and a written authorization submitted for signature of the court the next judicial day.

(C) Form. An appropriate form may be used to initiate such authorization.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 2.3

SHELTER CARE HEARINGS

(A) Generally. A shelter care hearing shall be held in all cases where a child has been taken into custody pursuant to RCW 13.34.060 and/or RCW 26.44.050 and a petition has been filed. The hearing shall be held within 72 hours, excluding weekends and holidays.

1. In all cases initiated by a lay person filing a dependency petition and the taking of a child into custody pursuant to the above-referenced statute, a caseworker shall be assigned to the matter in order to provide a recommendation to the court as to the need for shelter care. Juvenile court staff shall immediately notify the Attorney General's office of any dependency cases initiated by an individual or agency other than the Department of Social and Health Services.

(B) Notice. Notice shall be given to all parties as required by RCW 13.34.060 and JuCr 2.3.

(C) Procedure. At the hearing the court shall:

1. Advise the parties of their rights pursuant to statute and court rules;
2. Enter an order of shelter care and continuing the matter for a contested proceeding.
3. At the contested hearing, the court shall take testimony and/or admit documentary evidence concerning the circumstances for taking the child into custody and the need for shelter care;
4. Consider the recommendation made to the court by the Department of Social and Health Services;
5. Enter an appropriate Order.

[Adopted effective April 1, 1988, Amended effective September 1, 2006]

Local Juvenile Court Rule 2.4
CASE SCHEDULE

At the initial shelter care hearing, case hearing dates and related dates through the disposition hearing will be approved by the Court and entered on the Dependency Order Setting Case Schedule. All parties will be provided a copy of the case schedule at the shelter care hearing.

[Adopted effective September 1, 2003, Amended effective September 1, 2006]

Local Juvenile Court Rule 3.2
DEPENDENCY PETITIONS

(A) Generally. Any person may file a petition alleging a dependency. Each petition shall be verified by the individual filing the petition as including allegations, which are supported by documents and/or statements by third parties. Each petition must contain a statement of facts constituting a dependency, and the names and residence, if known to the petitioner, of the parents, guardian or custodian of the alleged dependent child. A layperson requesting to file a petition shall be initially referred to the Department of Social and Health Services to file a CPS referral for appropriate investigation.

(B) Verification. All petitions shall be verified and contain a statement of facts constituting such dependency.

(C) Upon filing of a dependency petition, the Court will appoint counsel for the parent, guardians or custodians and will appoint counsel or a guardian ad litem for the child. The parent, guardian or custodian must complete the financial statement documents as requested by the court for further court approval of appointment of couns1el.

[Adopted effective September 1, 2003, Amended effective September 1, 2006]

Local Juvenile Court Rule 3.3
CASE CONFERENCE

(A) Generally. All parties shall participate in a case conference to address the following issues:

1. Placement of the child;
2. Visitation;
3. Services being recommended for the children and parents;
4. Whether other case issues can be agreed and stipulated to;
5. Whether entry of a dependency fact-finding order is agreed to;
6. Whether disposition order provisions are agreed to; and
7. Any other outstanding issue.

(B) Conference Date. The case conference shall be held within four weeks after the filing of the petition on the date established by the case schedule order.

[Adopted effective September 1, 2003, Amended effective September 1, 2006]

Local Juvenile Court Rule 3.4
TELEPHONE STATUS CONFERENCE

(A) Generally. The court shall conduct a telephonic conference with the attorneys and guardian ad litem, who shall participate to ascertain the status of the case. Issues to be determined will be the accomplishment of service, whether the case conference issues discussed by the parties are agreed or contested, whether any motions are anticipated, and any other outstanding issues.

(B) Agreed Orders. If the parties are in agreement, the process for entering an agreed order will be established.

(C) Contested Issues. If there are contested issues, the parties shall address:

1. Continuances;
2. Trial date, length of trial, and time to be allotted to each party;
3. Discovery matters;
4. Motions;
5. Briefing schedule; and
6. Witnesses and exhibits.

(D) Telephone Status Conference Date. The Court shall schedule the telephone status conference on the date established in the case schedule order. The status conference may be rescheduled for good cause shown.

[Adopted effective September 1, 2003, Amended effective September 1, 2006]

Local Juvenile Court Rule 3.5
UNCONTESTED FACT-FINDING DATE

(A) Generally. Any remaining issues not resolved at the status conferences, including service issues, shall be addressed at the uncontested docket date. Default and agreed orders shall be entered.

(B) Uncontested Docket Date. The uncontested fact-finding hearing shall be held pursuant to the Order Setting Case Schedule.

(C) Witness and Exhibit Lists. On the Friday immediately following the uncontested, fact-finding date, the parties shall exchange witness and exhibit lists. Witness lists shall include the names, addresses, and telephone numbers of the witnesses.

[Adopted effective September 1, 2003, Amended effective September 1, 2006]

Local Juvenile Court Rule 3.6
CONTESTED FACT FINDING HEARINGS

(A) Generally. Unless an agreed order or default order has been entered, the Court shall hold a fact-finding trial as to whether the child is dependent pursuant to statutory definitions.

(B) Hearing Date. Contested fact finding trials shall commence within 75 days of the filing of the petition, unless continued by the Court due to exceptional circumstances. The Court shall initially set the hearing for a three-day trial to be held approximately six weeks after the telephonic status conference.

[Adopted effective September 1, 2003, Amended effective September 1, 2006]

Local Juvenile Court Rule 3.8
DISPOSITION HEARING

(A) Generally. After a child is agreed to be dependent or found by the court to be dependent, a hearing shall be held to address disposition issues, including but not limited to, placement of the child, visitation, and services to be provided to the family during the course of the dependency. A social study, (Individual Service and Safety Plan), consisting of a written evaluation of matters relevant to the disposition of the case shall be made. The study shall include all social records and shall be made available to the court.

(B) Contents. All social study (ISSP) and predisposition reports will address the factors listed in RCW 13.34.120.

(C) Times. All dispositional hearings will be held immediately following the fact-finding hearing unless there is good cause to continue the matter for up to fourteen days. The Court may continue the dispositional hearing longer than fourteen days if there is good cause shown.

1. Reports including the agency's social study and proposed service plan (ISSP) shall be

provided and/or mailed to the court, the parties, and counsel no later than ten (10) working days prior to the dispositional hearing.

2. Any submission by a party to a dependency proceeding in response to the agency's plan/ISSP or GAL report shall occur no later than twenty-four (24) hours before the hearing.

(D) Initial Review Hearing. The initial review hearing shall be held no later than six (6) months from the initial out of home placement or no more than ninety days from the entry of the disposition order, whichever comes first. The court shall schedule the initial review hearing at the time of the dispositional hearing.

(D) Review Hearing. The court shall schedule a review hearing at the time of the dispositional hearing.

[Adopted effective April 1, 1988, Amended effective September 1, 2003; September 1, 2006]

Local Juvenile Court Rule 3.9
DEPENDENCY REVIEW HEARING

(A) Generally. The status of all children found to be dependent shall be reviewed by the court at least every six (6) months at a hearing where it shall be determined whether court supervision should continue. The court shall receive a written evaluation of matters relevant and material to the need for further court supervision and placement of the child.

(B) Sources. A written evaluation may be ordered by the court from the following sources:
1. Department of Social and health Services or related agency; or
2. Any other source that can provide relevant and material information on the issue of the need for further Court supervision and placement of the child.

(C) Contents. All written evaluations will address the factors listed in RCW 13.34.130.

(D) Times. All dependency review hearings shall be set as to date and time in open court at the time of the previous hearing.
1. All 2ISSP's will be provided to the court and counsel no later than ten (10) working 3days prior to the review hearing.

2. Addenda to ISSP's or GAL reports may be provided to the court and the parties up to 2 working days prior to the hearing. Otherwise, the information must be provided to the court verbally at the hearing.

[Adopted effective April 1, 1988, Amended effective September 1, 2006]

Local Juvenile Court Rule 3.11
GUARDIANSHIP IN JUVENILE COURT

(A) Generally. Any party to a dependency proceeding may file a petition requesting that guardianship be created as to a dependent child pursuant to RCW 13.34.230.

(B) Procedure. Once a petition has been filed with the Clerk of the Court, the petitioner shall:
1. Notify the Department of Social and Health Services;

2. Schedule a date and time for a hearing on the petition and file a Notice and Summons stating such information;

(C) Order. If the court establishes a guardianship pursuant to RCW 13.34.231, it shall enter an Order to that effect. In addition, the Order shall address:

1. The appropriate frequency of visitation between the parent(s) and child;

2. The need for continued involvement of the supervising agency and the nature of that involvement, if any;

3. Notice that any party may seek modification of the guardianship pursuant to RCW 13.34.150; and
4. Any other appropriate matter.

[Adopted effective April 1, 1988, Amended effective September 1, 2006]

Local Juvenile Court Rule 4.1
INVOKING JURISDICTION OF JUVENILE COURT

(A) Generally. Juvenile Court jurisdiction is invoked over a proceeding to terminate a parent-child relationship by filing a petition.

(B) New and Separate Cause Number. All petitions to terminate a parent-child relationship filed with the court shall be assigned a new and separate cause number, and the court clerk shall open a file separate from any dependency file.

[Adopted effective April 1, 1988, Amended effective September 1, 2006]

Local Juvenile Court Rule 4.2
PLEADINGS

(A) Petition. All petitions to terminate a parent-child relationship shall contain the elements required in JuCr 3.3, be verified, and shall state the facts and circumstances which underlie each of the allegations required by RCW 13.34.180 and 13.34.190. Petitions involving voluntary relinquishment of parental rights shall attach the relinquishment rights and consent form signed by the parent(s).

(B) Answer. All petitions to terminate a parent-child relationship shall4 be answered by the parties. All answers shall be in written form and shall conform to the Superior Court Civil Rules. Failure to answer the petition may constitute grounds for entry of termination by default in the Juvenile Court's discretion.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 4.3
NOTICE OF TERMINATION HEARING

(A) Generally. Notice of the termination hearing and a copy of the petition shall be served on all parties in the manner defined by RCW 13.34.070(7) and (8) or published in the manner defined by RCW 13.34.080. Notice of the date and time of the termination

hearing and any pre-trial hearings shall be sent to all parties in the manner defined by RCW 13.34.070(7) and (8) if their addresses or location can be ascertained.

(B) Indian Children. If the petitioner knows or has reason to know that the child involved is a member of an Indian tribe, the petitioner shall notify the child's tribe in the manner required by RCW 13.34.070(9) and 25 U.S.C. § 1912.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 4.4
DISCOVERY IN PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP

(A) Generally. Discovery shall be conducted according to the Superior Court Civil Rules. Witness lists shall be provided by all parties intending to call witnesses at trial in a timely fashion, at or prior to the pre-trial hearing. Failure to provide a witness list may result in sanctions in the discretion of the Juvenile Court.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 4.5
SCHEDULING THE TERMINATION HEARING OF PARENTAL RIGHTS HEARING/PRE-TRIAL HEARING

(A) At the initial hearing, case hearing dates and related dates through the trial date will be approved by the Court and entered on the Termination Order Setting Case Schedule. All parties will be provided a copy of the case schedule at the initial hearing5

[Adopted effective April 1, 1988, Amended effective September 1, 2006]

Local Juvenile Court Rule 5.2
ALTERNATIVE RESIDENTIAL PLACEMENT PETITIONS

(A) Generally. A parent, child, guardian, custodian, or the Department of Social and Health Services may file a petition requesting the court to approve or disapprove an alternative residential placement. Juvenile Court staff shall assist a layperson in appropriately filing out and filing a petition.

(B) Verification. All petitions shall be verified and contain a statement of facts and circumstances establishing that a serious family conflict exists and that the conflict cannot be resolved by delivery of services to the family during continued placement of the child in the parental home.

(C) Notification. Upon the filing of a petition, the Juvenile Court shall:

1. Schedule a date for a fact-finding hearing no later than fourteen (14) days from the date of filing;
2. Notify the parent(s) and child of such date;
3. Notify the parent(s) of the right to be represented by counsel and, if indigent, to have counsel appointed by the court;
4. Appoint legal counsel or a guardian ad litem for the child;
5. Inform the parties of the legal consequences of the court

approving or disapproving of the petition;
6. Notify the parties of their right to present evidence at the fact-finding hearing;
7. Notify the referring agency; and
8. Notify the Department of Social and Health Services.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 5.6
DISPOSITION HEARING

(A) Generally. A three (3) month dispositional plan consisting of a written study shall be made. The study shall include all social records and matters relevant to the disposition of the case.

(B) Sources. The dispositional plan may be ordered by the court from the following sources:
1. Department of Social and Health Services or related agency; or
2. Any other source that can provide relevant and material information on the issue of an appropriate disposition.

(C) Form. The study shall address:
1. Which agency or person should have physical custody of the child;
2. Which parental powers should be awarded to such agency or person;
3. Parental visitation;
4. What services have been provided to the family;
5. If additional services are needed and/or available; and
6. Any other information relevant to resolving the family conflict and reuniting the family.

(D) Time. All dispositional hearings will be held immediately following the fact-finding hearings or at a continued hearing within fourteen (14) days or longer for good cause shown.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 5.7
REVIEW HEARINGS; ALTERNATIVE RESIDENTIAL PLACEMENTS

(A) Generally. The dispositional plan approved by the court shall be reviewed within three (3) months of the making of the dispositional Order pursuant to RCW 13.32A.180. The court shall receive a written evaluation of the dispositional plan.

(B) Sources. The written evaluation may be ordered by the court from the following sources:
1. The Department of Social and Health Services or related agency; or
2. Any other source that can provide relevant and material information on the issue.

(C) Form. Such evaluation shall address:

1. The current status of the family conflict;
2. What services have been made available and offered to the parties;
3. What services have been taken advantage of;
4. The agency's satisfaction with the cooperation of the parties;
5. Parental and child visitation;
6. Whether additional services are needed;
7. The need for continued out-of-home placement; and
8. Any other information relevant to resolving the family conflict and reuniting the family.

(D) Time. All alternative residential placement review hearings shall be set as to date and time in open court at the time of the previous hearing.

1. All reports will be provided to the court and parties no later than ten (10) days prior to the review hearing. A report received within five (5) days of a review hearing may constitute good cause for a continuance if a party requests a continuance.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 6.6
TERMINATION/MODIFICATION OF DIVERSION AGREEMENTS

(A) Generally. Diversion unit(s) shall have the authority to file with the Clerk of the Court a petition and affidavit alleging a substantial violation of a juvenile's diversion agreement and seek termination or modification of the agreement.

(B) Procedure. Once the petition and affidavit alleging violation of a juvenile's diversion agreement has been filed, the diversion unit shall immediately inform the respective Prosecuting Attorney's Office and the appropriate Juvenile Court unit to ensure the matter is scheduled and all appropriate parties are notified of the hearing date, time and place.
1. The diversion unit will prepare a written report on the alleged violations. Copies will be provided to all appropriate parties.
2. A representative of the diversion unit familiar with the particular case will be present at such hearing.

(C) Issuance of Notice/Summons. The Clerk of the Court shall be delegated the authority to issue Notice/Summons pursuant to a petition to terminate/modify a diversion agreement without the need for a formal order from the court.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 7.3
DETENTION AND RELEASE

(A) Generally. No juvenile offender or alleged juvenile offender will be released from court-ordered detention unless a written Order to that effect has been approved by the parties and signed by a Court Commissioner or Superior Court Judge.

(B) Procedure. The Juvenile Court detention staff, probation counselors and Prosecuting Attorneys will establish written procedures to be followed. Such procedures will be subject to review by the judges.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 7.6
ARRAIGNMENT AND PLEAS

(A) Generally. Unless waived pursuant to these rules, an arraignment hearing shall be held no later than twenty-one (21) days after the information is filed. Attendance by the alleged juvenile offender is mandatory. At arraignment, the juvenile shall be arraigned on the charges set forth in the information.

If a juvenile is detained, his/her arraignment hearing shall be held no later than fourteen (14) days after the information is filed.

(B) Procedure.

1. The juvenile and his/her counsel shall review, prepare and complete the following forms and present them to the court at the hearing:

   a. Juvenile's Acknowledgement of Advisement of Rights; and
   b. Juvenile's Notice/Advisement of Records.

2. At arraignment, the court shall:

   a. Appoint or confirm assignment of counsel;
   b. Confirm the juvenile is aware of his/her rights; and the record provisions of RCW 13.50;
   c. Take a plea from the juvenile of either guilty, not guilty or not guilty by reason of insanity;
   d. Determine if discovery has been given; and
   e. Set the next appropriate court date.

3. Group Arraignments. The court may advise juvenile respondents of their rights and explain the record provisions of RCW 13.50 in a group proceeding. All other portions of the arraignment shall be accomplished individually.

(C) Name and Date of Birth. The juvenile respondent shall be asked his/her true name and date of birth. If the juvenile alleges that his/her true name and/or date of birth is other than indicated on the information, it shall be entered in the Minutes of the court and subsequent proceedings shall be had against the respondent by the indicated name and date of birth.

(D) Reading. The information shall be read to the juvenile respondent, unless the reading is waived, and a copy shall be provided to the respondent and his/her counsel.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 7.7
PLEAS OF GUILTY

(A) Generally. When a case has been set for trial, the attorney for the juvenile respondent should give the prosecutor notice of confirmation of trial or change of plea not less than three (3) court days before the trial date. Similar notice shall be given to the Juvenile Court staff.

(B) Procedure. The juvenile respondent and his/her counsel shall prepare and complete a Statement of Juvenile on Plea of Guilty before appearing in court. The juvenile respondent and his/her counsel shall present the completed statement to the court. After receiving the completed statement, the court shall conduct a detailed inquiry addressing:

1. The meaning and effect of a plea of guilty;
2. The elements of the offense alleged;
3. The juvenile's acknowledgement of his/her guilty on each and every element of the offense alleged;
4. The standard sentencing range and the maximum punishment for the offense alleged;
5. The juvenile's understanding of and the meaning of the prosecutor's recommendation; and
6. Any other appropriate matters.

Upon acceptance of the plea, the court shall have the juvenile respondent sign the statement in open court. The statement shall be filed with the Clerk of the Court.

(C) Withdrawal of Plea of Guilty. A motion to withdraw a plea of guilty may be made only before sentence is imposed and upon a showing of good cause. The court may set aside an Order of

Disposition and permit a juvenile respondent to withdraw his/her plea of guilty to correct an injustice.

(D) Form. The Statement of Juvenile on Plea of Guilty will conform substantially with JuCr 7.7.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 7.12
DISPOSITIONAL HEARING -- OFFENDER PROCEEDINGS

(A) Time. If the respondent pleads guilty or is found guilty of the allegations in the information, the court shall enter its findings upon the record and proceed immediately to the disposition unless:

1. The court believes additional information is necessary, or
2. The court believes additional time is needed to determine an appropriate custody or living situation, or
3. Commitment is to be considered and additional time is necessary to seek alternatives, or
4. The court deems a continuance is otherwise necessary.

(B) Sources. Predispositional reports may be ordered by the court from one or more of the following sources:

1. The Benton-Franklin County Juvenile court staff;
2. The Prosecuting Attorney;
3. The defense counsel; and
4. Any other source that can provide relevant and material information on the issue off an appropriate disposition.

(C) Form. All predispositional reports will address the various factors required by RCW 13.40.150. All predispositional reports should present alternatives to commitment in those cases, which it may appear that public security can be accomplished, and the offender's behavior altered by such an alternative. All reports shall be provided to the court and counsel no later than one (1) day prior to the dispositional hearing.

(D) Community Diagnostic Evaluation. A diagnostic evaluation may be ordered by the court after a showing that such an evaluation is necessary and will aid the court in reaching an appropriate disposition.

(E) Restitution. All predispositional reports shall indicate the loss or injury to the victim by description and dollar amount. It will be the duty of the predispositional report writer to ascertain the necessary information and make a recommendation to the court as to a juvenile's ability to make full or partial restitution. The court shall fix the amount of restitution at the dispositional hearing.

(F) Court Costs, Attorney's Fees and Victim's Assessment. The predispositional report writer shall make a recommendation to the court as to a juvenile's ability to reimburse the county for any court costs, fees for court-appointed counsel and the victim assessment fee.

(G) Manifest Injustice Findings. If the court imposes a sentence based upon a finding of manifest injustice, the court shall set forth those portions of the record material to the disposition.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 7.15
MOTIONS -- JUVENILE OFFENSE PROCEEDINGS

(A) Generally. All motions, including motions to suppress evidence, motion regarding admissions, and other motions requiring testimony, shall be heard at the time of trial unless otherwise set by the Court, together with a brief which shall include a summary of the facts upon which the motions are based, not later than five (5) days before the adjudicatory hearing. Reply briefs shall be served and filed with the Court no later than noon of the Court day before the hearing.

(B) To dismiss for Delay in Referral of Offense. The Court may dismiss information if it is established that there has been an unreasonable delay in referral of the offense to the Court. For purposes of this rule, a delay of more than thirty (30) days from the date of completion of the police investigation of the offense to the time of filing of the charge shall be deemed prima facie evidence of an unreasonable delay. Upon a prima facie showing of unreasonable delay, the Court shall then determine whether or not dismissal or other appropriate sanction will be imposed. Among those factors otherwise considered, the Court shall consider the following:

1. The length of the delay;

2. The reason for the delay;
3. The impact of the delay on ability to defend against the charge; and
4. The seriousness of the alleged offense.

Unreasonable delay shall constitute an affirmative defense which must be raised by motion not less than one (1) week before trial. Such motion may be considered by affidavit.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 7.16
BAIL

(A) Generally. All juveniles held in detention on probable cause shall have the right to have bail addressed in their first court appearance. If bail is granted, it may be posted by either cash or bond. The juvenile will be released from detention to an approved party only on the referral or cause number for which bail is posted. The court may impose additional conditions of release pursuant to RCW 13.40.040(4).

(B) Procedure. The following steps shall be followed:

1. The issue of bail shall be first addressed at the first appearance hearing.

2. If bail is authorized by the Court, it shall be posted with the respective County Clerk during normal business hours or with the Benton-Franklin Counties Detention Center when the County Clerk's Office is closed. Prior to release, the juvenile shall be advised of the next hearing date, any other conditions of release and that failure to appear may result in bail forfeiture and prosecution for bail jumping. When a bond is filed with the Clerk of the Court in Benton or Franklin County, the Clerk in the respective County shall issue a certified copy of the original bond to juvenile detention.

3. A juvenile detainee will not be released from detention unless detention staff has physical possession of the certified copy of the original bond from the Clerk of the Court, a verified receipt for posted bail from the Clerk of the Court or an original authorized bond or cash bail is posted with detention during hours that the County Clerk's Office is closed.

4. Pursuant to the provisions of RCW 13.40.056, when bail is posted, by bond or by cash, ten dollars of the amount posted as bail shall be collected in cash as a nonrefundable bail fee.

(C) Forms. Forms for this procedure shall be subject to review by the judges.

[Adopted effective April 1, 1988; Amended effective September 1, 2006]

Local Juvenile Court Rule 7.17
BENCH WARRANTS

(A) Generally. Upon proper application to the court, a bench warrant may be issued for a juvenile:

1. Who, without justification, fails to appear at a scheduled court hearing after receiving proper notice;

2. Who is alleged to have violated the terms of his/her community supervision;
3. Who is alleged to have violated the terms of his/her release of detention; and
4. Any other appropriate situation.

(B) Procedure. Once an Order to issue a bench warrant has been approved by the court, the Clerk of the court shall issue the warrant for the arrest of the named juvenile:

1. The warrant may be served by law enforcement officers or by probation counselors pursuant to RCW 13.04.040(5).

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 7.18
VIOLATIONS OF COMMUNITY SUPERVISION

(A) Generally. Probation counselors shall have the authority to file with the Clerk of the Court a motion and affidavit alleging a violation of community supervision.

(B) Procedure. Once the motion and affidavit alleging a violation of community supervision has been filed, the probation counselor shall contact the appropriate juvenile court unit to ensure the matter is scheduled and all appropriate parties are notified of the hearing date, time and place.

1. The probation counselor shall prepare a written report of the alleged violations. Copies will be provided to all appropriate parties no later than one (1) day prior to the hearing.

2. The probation counselor shall be present at such hearing to respond to questions concerning the matter.

(C) Absconding From Placement. All juvenile respondents placed on community supervision shall strictly follow the terms and conditions of his/her probation contract as well as any instructions of his/her probation counselor, including placement. If a juvenile respondent voluntarily and without authority absents himself/herself from a placement pursuant to the terms of his/her community supervision, this will be deemed a violation of the juvenile's community supervision and is sufficient grounds for a warrant of arrest to be issued.

1. A juvenile respondent placed in confinement as a result of a warrant of arrest issued pursuant to this rule shall not be released unless ordered by the court.

(D) Warrants. The court may order a warrant for the arrest of a juvenile respondent. A warrant may be served by law enforcement

or a probation counselor.

(E) Guidelines. The following guidelines are established for probation counselors with respect to alleged violations of community supervision:

1. A minor or technical violation and the respondent's whereabouts are known: file the appropriate motion and have the Clerk of the Court issue a Summons.

2. A serious violation of the criminal law or condition of community supervision and the respondent's whereabouts are known: immediate arrest by law enforcement or probation counselor followed by filing the appropriate motion and schedule of detention hearing.

3. A violation of the criminal code or condition of community supervision and the respondent's whereabouts are unknown: file the appropriate motion and request the issuance of a warrant.

(F) Issuance of Notice/Summons. The Clerk of the Court shall be delegated the authority to issue Notice/Summons pursuant to a motion alleging violations of community supervision without the need for a formal order from the court.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 8.3
DECLINING JUVENILE COURT JURISDICTION OVER AN ALLEGED JUVENILE OFFENDER

(A) Generally. In accordance with RCW 13.40.110 and Juvenile Court Rule 8.1, any party may file an appropriate motion and supporting affidavit to decline jurisdiction with the Clerk of the Court.

(B) Report. A declination investigation report shall be prepared by the juvenile court staff.

The report shall:

1. Address the following factors:

   a. The seriousness of the alleged offense to the community and whether the protection of the community requires waiver of juvenile court jurisdiction;
   b. Whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner;
   c. Whether the alleged offense was against persons or against property;
   d. The prosecutive merit of the complaint;
   e. The desirability of trial and disposition of the entire offense in one court;
   f. The sophistication and maturity of the juvenile as determined by consideration of his home, environmental situation, emotional attitude and pattern of living;
   g. The record and previous history of the juvenile, including previous contacts with law enforcement agencies, juvenile courts and other jurisdictions, prior periods of probation/community supervision, or prior commitments to juvenile institutions;
   h. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the juvenile (if he is found to have committed the alleged offense) by the use of procedures, services and facilities currently available to the juvenile court.

2. Address any other factors relevant to the motion; and

3. Make a recommendation to the court as to the motion.

(C) Hearing. The writer of the declination investigation report will be present at the declination hearing to testify, if so requested.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 9.2
RIGHT TO COUNSEL

(A) Appointments. Legal counsel shall be provided at the expense of the county in the following circumstances:

1. For a juvenile respondent:

a. Alleged to be a juvenile offender and the juvenile is unable to afford an attorney;
b. Alleged to have violated the terms of his/her community supervision and the juvenile is unable to afford an attorney;
c. Who may be a party to a diversion agreement who has not waived his right to counsel, is unable to financially obtain counsel, and who requests counsel be appointed for the purpose of advising him as to whether he desires to participate in the diversion process or to decline to participate and the juvenile is unable to afford an attorney;
d. When the Prosecuting Attorney or diversion unit has filed a petition to terminate or modify a diversion agreement and the juvenile is unable to afford an attorney;
e. When a dependency petition has been filed alleging the child to be dependent pursuant to RCW 13.34.040, and the child is six (6) years of age or older and a guardian ad litem has not been appointed to represent the best interests of the child;
f. When a petition has been filed for approval of an alternative residential placement pursuant to RCW 13.32A and the child is six (6) years of age or older and a guardian ad litem has not been appointed to represent the best interests of the child;
g. When a review hearing is to be held pursuant to RCW 13.32A or RCW 13.34, and the child is six (6) years of age or older and a guardian ad litem has not been appointed to represent the best interests of the child;
h. When a petition to terminate the rights of the parent or parents of the juvenile has been filed and the child is six (6) years of age or older and a guardian ad litem has not been appointed to represent the vest interests of the child;
i. When a petition asking for the creation of a guardianship over the child has been filed pursuant to RCW 13.34.230, and the child is six (6) years of age or older and a guardian ad litem has not been appointed to represent the best interests of the child.

2. For a parent, guardian or custodian:

a. Who is a party to a:

(1) Dependency proceeding;

(2) Proceeding for the termination of the parent-child relationship;

(3) Proceeding pursuant to RCW 13.40 and a juvenile under the age of twelve for whom a parent, guardian or custodian is responsible is requesting to waive a right or object to a proceeding;

(4) Proceeding pursuant to RCW 13.34 requesting a guardianship be created;

(6) Proceeding and who requests that the court appoint counsel because of an inability to obtain counsel due to financial hardship and the court finds the party indigent.

3. Whenever ordered by the court.

(B) Retained counsel. Any party may be represented by retained counsel in any proceeding before the Juvenile Court.

(C) Procedure for Appointment of Counsel. At or prior to the initial appearance of the parties, the court or a representative of the court may inquire as to the financial status of any party who requests counsel to be appointed. Upon the filing of a

motion and affidavit for assignment of a lawyer by a party, the court may schedule a hearing on the subject of the parents, guardian, or custodian and/or the child's ability to pay all or part of the expense of counsel. Upon a finding that the party requesting appointment of counsel is indigent, the court shall appoint counsel. If it appears that the party can partially afford counsel, the court shall appoint counsel but may direct that the party pay an amount certain to the Clerk of the Court.

1. An appropriate form may be used to determine the financial status of a party.

(D) Notice of Appearance. Attorneys, representing parties in juvenile matters, except for appointed attorneys, must serve prompt written notice of their appearance upon all other parties or their counsel of record, the legal process unit of the court and file the same with the Clerk of the Court.

(E) Recovery of County Expense for Appointed Counsel. Nothing in this rule shall prevent the court from ordering, as a condition of community supervision, that juvenile offenders pay court costs and fees for court-appointed counsel.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 9.4
APPOINTMENT OF NON-LAWYER GUARDIAN AD LITEM

(A) Generally. It shall be the policy of the court to appoint a non-lawyer guardian ad litem for a juvenile in lieu of an attorney in all proceedings other than offender matters involving juveniles under the age of nine (9) years. The court may appoint a non-lawyer guardian ad litem in lieu of or in addition to an attorney in all proceedings other than offender matters involving juveniles who are nine (9) years of age of older. A guardian ad litem is deemed a party to the proceeding upon appointment.

(B) Procedure.

1. Dependency/Guardianship/Termination Proceedings. The court may appoint a guardian ad litem for a child after the court has entered a finding of dependency pursuant to RCW 13.34 or at any other appropriate stage of a proceeding. In cases involving more than one child from the same family unit, the court may appoint one guardian ad litem to represent the interests of all the children.

2. Other Proceedings. The court may appoint a guardian ad litem when it deems such an appointment necessary.

(C) Role. The guardian ad litem shall be an advocate on behalf of and in the best interests of the child. The guardian ad litem shall serve as a participant in court proceedings. A guardian ad litem shall be entitled to full access to all parties and relevant records and to receive notice as a party.

(D) Certification. No guardian ad litem shall be appointed to represent a child until he/she has successfully completed an approved training course supervised by the court and administered an oath of office by the court. A guardian ad litem shall be free of influence from anyone interested in the result of the proceeding.

(E) Reports. In all proceedings, the guardian ad litem shall submit a written report to the court addressing all relevant factors and making a recommendation to the court as to an appropriate disposition in the best interests of the child. All reports submitted by a guardian ad litem will be provided to the court and parties no later than ten (10) days prior to the scheduled hearing. A report received within five (5) days of a hearing may constitute good cause of a continuance if a party requests a continuance.

(F) Representation by Attorney. A guardian ad litem may be represented by an attorney.

[Adopted effective April 1, 1988, amended effective September 1, 2008]

Local Juvenile Court Rule 10.2
RECORDING JUVENILE COURT PROCEEDINGS

(A) Generally. All proceedings in the Benton-Franklin County Superior Court Juvenile Division shall be recorded unless waived pursuant to statute.

1. The electronic recording devise installed at the court is approved for all hearings and for all purposes.

(B) Request for Transcript. Upon written motion by any party to a proceeding, the court may order a written verbatim transcript to be prepared. The individual preparing the transcript shall certify that it accurately reflects the electronic record of the proceeding.

1. Dependency, Guardianship, Termination of Parental Rights, Alternative Residential Placement Proceedings. All written verbatim transcripts prepared for proceedings involving dependent children, termination of parental rights or alternate residential placement proceedings shall be sealed. An individual make inspect such a transcript only after obtaining written court order.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 10.3
INSPECTION/RELEASE OF INFORMATION

(A) Generally. All records, other than the official court record, are confidential and may be released only as provided in state statute and court rule. All requests for information shall be made in writing. Such requests shall state the reason for the inspection or release of information and all parties to the underlying cause shall be provided written notice of the request by the requesting party.

(B) Procedure.

1. Juvenile Offender Matters. The agency receiving the written request shall refer the written request to the originating agency of the records. The agency will review the request and decide if the request is proper pursuant to statute and court rule. The requesting party shall be notified in writing as to the appropriateness of his/her request by the originating agency.
2. Juvenile Dependency / Alternate Residential Placement / Termination of Parental Rights Matters. The agency receiving the written request shall refer the written request to the originating agency. The agency will review the request and decide if the request is proper pursuant to statute and court rule. The requesting party shall be notified in writing as to the appropriateness of his/her request by the originating agency.

(C) Release. Only complete information will be released.

(D) Research Requests. Requests for information concerning legitimate research for educational, scientific or public purposes may be approved by the court if:

1. The individual or agency is engaged in legitimate research for educational, scientific or public purposes; and
2. The anonymity of all person mentioned in the records/information will be preserved.
3. The juvenile court administrator shall establish written policy and procedure addressing research requests.

[Adopted effective April 1, 1988]

Local Juvenile Court Rule 10.10
NOTICE AND ADVISEMENT JUVENILE OFFENDER RECORDS

(A) Generally. Any juvenile to whom the record provisions of RCW 13.50.050 may apply shall be given written notice of his or her rights under the referenced statute.

(B) Procedure. The following procedure shall be followed:

1. In the case of a juvenile offender, a written form signed by the juvenile in which a juvenile is advised of rights pursuant to RCW 13.50.050 and acknowledges being so advised shall be filed with the Clerk of the Court at the time of his or her arraignment.
2. In the case of a juvenile referred to a diversion unit, a similar written form as in the above paragraph shall be signed by the juvenile and filed as part of the diversion agreement.

[Adopted effective April 1, 1988]

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1Added: Upon filing of a dependency petition, the Court will appoint counsel for the parent, guardians or custodians and will appoint counsel or a guardian ad litem for the child. The parent, guardian or custodian must complete the financial statement documents as requested by the court for further court approval of appointment of counsel.
2Deleted full
3Added working
4Query to Judges/Commissioners as to whether this should remain, be modified, or removed

(A) 5Deleted Generally. All termination hearings shall be held as a normal function of the Juvenile Court before the available Court Commissioner and set in the normal course.

(B) Pre-trial Hearings. All termination hearings shall be preceded by a pre-trial hearing, at which time the parties shall advise the court of their completion of discovery, their estimate of the issues to be litigated at trial and the number of witnesses to be called.